

DOGALI LAW GROUP, P.A.

1 ANDY DOGALI

2 *Pro Hac Vice to be submitted*

3 adogali@dogalilaw.com

4 Dogali Law Group, P.A.

5 101 E. Kennedy Blvd., Suite 1100

6 Tampa, Florida 33602

7 Tel: (813) 289-0700

8 Fax: (813) 289-9435

9 *Attorneys for Plaintiffs*

10 EUGENE FELDMAN

11 California Bar No. 118497

12 genefeldman@mindspring.com

13 Eugene Feldman, Attorney at Law, APC

14 555 Pier Avenue, Suite 4

15 Hermosa Beach, CA 90254

16 **UNITED STATES DISTRICT COURT FOR THE**
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 A.L., by and through D.L., as Next

19 Friend; D.L., Individually;

20 J.S., by and through D.S., as Next

Civil Action No. _____

21 Friend, Parent and Natural

22 Guardian; D.S., Individually;

23 S.J.K., by and through S.L.K., as Next

24 Friend, Parent and Court-Appointed

25 Co-Guardian; S.L.K., Individually;

26 A.B., by and through M.B., as Next

27 Friend, Parent and Natural Guardian;

28 M.B., Individually;

D.H., by and through J.H., as Next

Friend, Parent, and Court-Appointed

Guardian;

J.M., by and through E.M., as Next

Friend, Parent and Natural Guardian;

S.M., by and through E.M., as Next

Friend, Parent and Natural Guardian;

E.M., Individually;

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J.K., by and through R.K., as Next
Friend, Parent and Natural Guardian;
D.M., by and through C.M., as Next
Friend, Parent and Natural Guardian;
C.M., Individually;
J.C., by and through L.C., as Next
Friend, Parent and Natural Guardian;
L.C., Individually;
T.P., by and through S.P., as Next
Friend, Parent and Natural Guardian;
S.P., Individually;
C.M.J., by and through D.L.J., as Next
Friend, Parent and Natural Guardian;
D.M.J., by and through D.L.J., as Next
Friend, Parent and Natural Guardian;
S.G., by and through S.M.G., as Next
Friend, Parent and Natural Guardian;
J.B., by and through K.B., as Next
Friend, Parent and Natural Guardian;
K.B., Individually;
S.H., by and through T.R., as Next
Friend, Parent and Natural Guardian,

Plaintiffs,

v.

WALT DISNEY PARKS AND RESORTS
US, INC.

Defendant.

_____/

**COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF AND DAMAGES**

Plaintiffs: A.L., by and through D.L., as Next Friend; D.L., Individually; J.S., by and through D.S., as Next Friend, Parent and Natural Guardian; D.S., Individually; S.J.K., by and through S.L.K., as Next Friend, Parent and Court-Appointed Co-Guardian; S.L.K., Individually; A.B., by and through M.B., as Next Friend, Parent and Natural Guardian; M.B., Individually; D.H., by and through J.H., as Next Friend, Parent, and Court-Appointed Guardian; J.M., by and through E.M., as Next Friend, Parent and Natural Guardian; S.M., by and through E.M., as Next Friend, Parent and Natural Guardian; E.M., Individually; J.K., by and through R.K., as Next Friend, Parent and Natural Guardian; D.M., by and through C.M., as Next Friend, Parent and Natural Guardian; C.M., Individually; J.C., by and through L.C., as Next Friend, Parent and Natural Guardian; L.C., Individually; T.P., by and through S.P., as Next Friend, Parent and Natural Guardian; S.P., Individually; C.M.J., by and through D.L.J., as Next Friend, Parent and Natural Guardian; D.M.J., by and through D.L.J., as Next Friend, Parent and Natural Guardian; S.G., by and through S.M.G., as Next Friend, Parent and Natural Guardian; J.B., by and through K.B., as Next Friend, Parent and Natural Guardian; K.B., Individually; and S.H., by and through T.R., as Next Friend, Parent and Natural Guardian, sue Defendant WALT DISNEY PARKS AND RESORTS US, INC. and allege:

I. JURISDICTION AND VENUE

1. This is an action seeking damages, injunctive relief, and declaratory relief for violations of the Americans with Disabilities Act (42 U.S.C. §12131, *et seq.*) and the Unruh Civil Rights Act (Cal. Civ. Code §51 and §54).

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §1331 because one of the actions brought by each Plaintiff arises under federal law.

Supplemental jurisdiction over Plaintiffs' state law causes of action is proper in this Court pursuant to 28 U.S.C. §1367.

3. Defendant WALT DISNEY PARKS AND RESORTS US, INC. ("Disney") is a Florida corporation which at all material times:

a. Has maintained its principal place of business in Orange County, Florida, is authorized to conduct business in the states of California and Florida, and is conducting business in Los Angeles County in the City of Burbank; and

b. Owns and operates six themed amusement parks (collectively, the "Disney Parks"), including Disneyland and Disney's California Adventure (collectively, "Disneyland") in the Disneyland Resort, located in Orange County, California, and Magic Kingdom, Hollywood Studios, Epcot, and Animal Kingdom (collectively, "Walt Disney World") in the Walt Disney World Resort, located in Orange County, Florida and Osceola County, Florida.

4. Venue is proper in this Court pursuant to 28 U.S.C. §1391 because Defendant maintains corporate managerial business offices within this District.

II. ALLEGATIONS COMMON TO ALL ACTIONS

A. The Americans With Disabilities Act

5. In 1990, the United States Congress made findings that laws were needed to more fully protect "some 43 million Americans [with] one or more physical or mental disabilities;" that "historically society has tended to isolate and segregate individuals with disabilities;" and that "such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem;" that "the

Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living and economic self sufficiency for such individuals;" and that "the continuing existence of unfair and unnecessary discrimination and prejudice denies people with disabilities the opportunity to compete on an equal basis and to pursue those opportunities for which our free society is justifiably famous...." 42 U.S.C. § 12101.

6. 42 U.S.C. §12182(a) provides as follows:

No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.

7. 42 U.S.C. §12181(7)(B), regarding "public accommodations", provides in pertinent part:

The following private entities are considered public accommodations for purposes of this subchapter, if the operations of such entities affect commerce—

** * **

*(I) a park, zoo, **amusement park**, or other place of recreation;*

(Emphasis added.)

8. 42 U.S.C. §12102(1) defines "disability" in pertinent part as follows:

(1) Disability

The term "disability" means, with respect to an individual—

(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;

- 1
2 9. For purposes of the “disability” definition, 42 U.S.C. §12102(2) defines
3 “major life activities” thus:

4
5 **(A) In general**

6 *For purposes of paragraph (1), major life activities include, but*
7 *are not limited to, caring for oneself, performing manual*
8 *tasks, seeing, hearing, eating, sleeping, walking, standing,*
9 *lifting, bending, speaking, breathing, learning, reading,*
10 *concentrating, thinking, communicating, and working.*

11 (Emphasis added.)

- 12 10. Title III includes a “General prohibition” against discrimination. 42
13 U.S.C. §12182(b)(1)(A) provides in pertinent part:

14
15 **(i) Denial of participation**

16 *It shall be discriminatory to subject an individual or class of*
17 *individuals on the basis of a disability or disabilities of such*
18 *individual or class, directly, or through contractual, licensing, or*
19 *other arrangements, to a denial of the opportunity of the*
20 *individual or class to participate in or benefit from the goods,*
21 *services, facilities, privileges, advantages, or accommodations of*
22 *an entity.*

23
24 **(ii) Participation in unequal benefit**

25 *It shall be discriminatory to afford an individual or class of*
26 *individuals, on the basis of a disability or disabilities of such*
27 *individual or class, directly, or through contractual, licensing, or*
28 *other arrangements with the opportunity to participate in or*
benefit from a good, service, facility, privilege, advantage, or
accommodation that is not equal to that afforded to other
individuals.

(iii) Separate benefit

It shall be discriminatory to provide an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements with a good, service, facility, privilege, advantage, or accommodation that is different or separate from that provided to other individuals, unless such action is necessary to provide the individual or class of individuals with a good, service, facility, privilege, advantage, or accommodation, or other opportunity that is as effective as that provided to others.

11. Title III further includes a “Specific prohibition” against discrimination. 42 U.S.C. §12182(b)(2)(A)(ii) provides in pertinent part:

... discrimination includes—

(ii) *a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations.*

B. The Unruh Civil Rights Act

12. §51(b) of the California Civil Code, known as the “Unruh Civil Rights Act” provides protection from discrimination by all business establishments in California, including housing and public accommodations, because of age, ancestry, color, disability, national origin, race, religion, sex and sexual orientation.

13. Specifically, §51(b) provides that:

All persons within the jurisdiction of this State are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, marital status, or sexual orientation are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

whoever denies, aids or incites a denial, or makes any discrimination or distinction contrary to section 51, is liable for each and every offense.

14. §51.5(a) provides in pertinent part that:

No business establishment of any kind whatsoever shall discriminate against, boycott or blacklist. . . any person in this state on account of any characteristic listed or defined in subdivision (b) or (c) of §51. . . because the person is perceived to have one or more of those characteristics, or because the person is associated with a person who has, or is perceived to have, any of those characteristics.

15. §51(f) provides that:

A violation of the right of any individual under the Americans with Disabilities Act shall also constitute a violation of this section.

C. Facts Common to All Claims

1) The Disney Parks, and Plaintiffs' Cognitive Impairments

16. Disneyland, Disney's California Adventure, Magic Kingdom, Hollywood Studios, Epcot and Animal Kingdom are each "public accommodations" under the Americans with Disabilities Act.

- 1 17. Each of the Disney Parks includes motions rides, simulation rides,
2 attractions, shows, parades, costumed character interactions, displays
3 and exhibits, restaurants and eating establishments, and more.
- 4 18. Persons with developmental disorders or cognitive impairments vary
5 widely in the precise manifestations of their impairments. Generally, a
6 person with a cognitive disability has greater difficulty with one or
7 more types of mental tasks than a person with average cognitive skills,
8 and most cognitive disabilities are the result of a biological or
9 physiological trait of the individual. The connection between an
10 individual's biology or physiology on the one hand and their mental
11 processes on the other is most obvious in the case of traumatic brain
12 injury and genetic disorders, though less pronounced or more severe
13 cognitive disabilities are often borne in brain structure or chemistry as
14 well. A person with severe cognitive impairment typically needs
15 assistance with all aspects of daily life. A person with minor cognitive
16 impairment typically needs assistance with some aspects of daily life.
- 17 19. Cognitive disabilities are often classified as either clinical or functional.
18 Clinically diagnosed cognitive disabilities include autism, Down
19 Syndrome, traumatic brain injury, and dementia. Less severe cognitive
20 conditions include attention deficit disorder (ADD), dyslexia (difficulty
21 reading), dyscalculia (difficulty with math), and other learning
22 disabilities.
- 23 20. Functional cognitive disabilities focus less on the diagnosis of the
24 disability and more on the resulting or special needs, abilities and
25 challenges. Principal categories of functional cognitive disabilities
26 include deficits or difficulties with: memory, problem solving, attention,
27 reading, language and verbal comprehension, math comprehension,
28 and visual comprehension.

21. Clinical cognitive disabilities typically exhibit one or more of the functional cognitive disabilities.
22. Each Plaintiff has a developmental disorder and a clinically diagnosed cognitive impairment. Each plaintiff is substantially limited in his or her ability to care for himself or herself, perform manual tasks, speak, learn, read, concentrate, think, communicate, and work.
23. Each Plaintiff is an individual who is afforded the protections afforded under the Americans with Disabilities Act.
24. Because persons with developmental disorders encompassing cognitive disabilities display a wide variety of functional impairments, no single accommodation is available which will invariably satisfy each of their special needs. Even so, two traits are common throughout the Plaintiffs and, upon information and belief, throughout the entire community of persons with cognitive impairments:
 - a. The disabled Plaintiffs, like other persons with cognitive impairments, are mentally and physically incapable of waiting for significant periods of time in a line or queue. The idle, unfocused state which necessarily results from standing in a queue causes persons on the autism spectrum, and other near-spectrum exhibitors, to over-stimulate, resulting in meltdown behaviors. A “meltdown” is an episode familiar to those who care for autistic and other cognitively-impaired persons. Most commonly, the autistic person, when required to stand idle for more than a few minutes or indefinitely, will begin to increasingly exhibit their individual form of “stimming,” which is a tic or tendency which can take the form of humming sounds, random noises, striking out, swinging arms, hitting oneself, or flailing wildly. A meltdown within a Disney queue is an awkward and uncomfortable

1 experience for those in the immediate vicinity, can be hazardous
 2 to the disabled person and bystanders, and can be humiliating
 3 and embarrassing for the disabled person and his or her
 4 companions. Invariably, requiring the person to stand in a queue
 5 for many minutes will induce meltdowns in the large majority of
 6 persons with cognitive impairments, including all of the disabled
 7 Plaintiffs.

- 8 b. The disabled Plaintiffs, like other persons with cognitive
 9 impairments, are mentally and physically incapable of traveling
 10 across a park to the site of an attraction only to be told to come
 11 back later. Explaining the disruption would be as impracticable
 12 as re-programming a computer in the middle of its computation,
 13 or placing food in front of someone with no sense of present
 14 versus future tense and telling them not to eat it now but to wait
 15 until later. Invariably, this experience will induce meltdowns in
 16 the large majority of persons with cognitive impairments,
 17 including the disabled Plaintiffs.

18 **2) The Guest Assistance Card: Disney's Commendable**
 19 **Accommodation of Plaintiffs, Pre-October 2013**

- 20 25. Each Plaintiff visited one or more of the Disney theme parks on
 21 multiple occasions prior to October of 2013. Generally, on those
 22 occasions, Disney adopted and followed systems, policies and
 23 procedures which wonderfully accommodated Plaintiffs' special needs.
 24 26. Visits to the Disney Parks became among the most, if not the most,
 25 joyous and eagerly anticipated experiences in Plaintiffs' lives. The
 26 Plaintiff parents and guardians uniformly acknowledge that, prior to
 27 about October 9, 2013, taking their child to the Disney Parks was one of
 28 the few experiences, if not the only experience, which would bring

1 obvious joy to their disabled child for many hours in a row, a notion
2 very uncommon outside Disney's magical worlds.

3 27. The experience of visiting the Disney Parks may have been more
4 uniquely entertaining for the disabled Plaintiffs because of their limited
5 ability to participate in other ordinary experiences. For the most part,
6 the disabled Plaintiffs and other persons with cognitive impairments
7 cannot go to birthday parties, they cannot play on baseball teams, they
8 cannot go fishing or bowling, they cannot go to church. Absent other
9 joyful experiences, the terrific product Disney developed and admirably
10 delivered gave great hope and anticipation to Plaintiffs and their
11 families.

12 28. Prior to October of 2013, Disney's system for accommodating disabled
13 persons' special needs was universally enjoyed and appreciated by the
14 community of persons touched by cognitive impairments. The system
15 was known as the "Guest Assistance Card" ("GAC"). A redacted example
16 of a Guest Assistance Card which was used at the Walt Disney World
17 Resort is attached as Exhibit 1, and a redacted example of a Guest
18 Assistance Card which was used at the Disneyland Resort is attached as
19 Exhibit 2. With the Guest Assistance Card, though guests were not
20 always expressly promised immediate access to the attractions,
21 immediate access was precisely what Disney, through its employees,
22 routinely delivered. The disabled Plaintiffs' caretakers knew they could
23 rely upon immediate access when they visited the Disney Parks. Disney
24 would not make them travel all the way to an attraction only to be told
25 to leave and come back later; Disney did not make them wait in a line
26 for more than a few minutes. Very little risk of over-stimulation or
27 meltdown ever arose.
28

29. In addition, the Disney Parks' employees always appeared to have been trained to care about Plaintiffs' special needs. Actually, the employees were so talented in this role that it did not appear they had to be trained to care; it appeared they simply did care, naturally. They never did anything which was designed or prone to inflict embarrassment or shame or humiliation upon the disabled guest and his or her companions.

3) **The Disability Access Service: Disney's Failed Accommodation of Plaintiffs Commencing October 9, 2013**

30. On or about October 9, 2013, Disney revoked the Guest Assistance Card program and its related systems, policies and procedures for accommodating Plaintiffs' special needs. Disney replaced the Guest Assistance Card program with a set of company-wide systems, policies and procedures which were connected to the new "Disability Access Service" ("DAS") card. A redacted example of a Disability Access Service card is attached as Exhibit 3.

31. Even before Disney began the research and development program which culminated in the DAS card, Disney possessed a sophisticated level of knowledge of the difficulties and special needs of persons with developmental disorders and cognitive impairments. Disney then engaged in research and development of the DAS card system for more than four years before unveiling it to the dismay of the disabled community. Disney's knowledge is so extensive, and Disney's new Disability Access Service is so obviously discriminatory and so outrageously contrary to Disney's own knowledge of such guests' special needs, that it is inconceivable that the Disability Access Service's discriminatory impact upon Plaintiffs is an accident.

- 1 32. The systems, policies and procedures associated with the Disability
2 Access Service which Disney rolled out in October of 2013 were certain
3 to create discrimination against Plaintiffs, and it was obvious that the
4 community of persons with cognitive impairments would be harmed by
5 the DAS.
- 6 33. Disney has come to disfavor the presence of Plaintiffs in its theme parks
7 because:
- 8 a. Plaintiffs' disabilities include a propensity to occasionally behave
9 loudly and irrationally in public. Disney disfavors such episodes
10 because they upset the Disney "magic" being otherwise
11 experienced by Disney's nearby non-disabled guests.
- 12 b. Disney previously accommodated Plaintiffs by permitting the
13 disabled person and his or her companions to enter its rides and
14 attractions without enduring idle wait times. Disney especially
15 disfavored doing so for those Plaintiffs who are purely autistic
16 and who do not exhibit some other physical disorder – i.e., those
17 who present the "invisible disability" of autism. With persons
18 presenting obvious, visible disabilities, such as persons in
19 wheelchairs, the nearby guests could see that the guest's special
20 need was being accommodated. For autistic guests, the disability
21 is often not apparent, leading nearby Disney guests to conclude
22 that the person was being allowed to promptly enter the ride for
23 reasons relating to preferential favoritism and not to disability
24 accommodation. Disney has always desired to curb the
25 resentment harbored by nearby non-disabled guests who wait in
26 Disney's infamously long queues.
- 27 34. Either by design or as a collateral benefit from Disney's perspective,
28 Disney's new system takes steps to end both of these Disney-perceived

1 problems. Overtly discriminating against Plaintiffs and others like
2 them until persons with autism and other developmental disorders
3 simply no longer visit Disney's theme parks will likely end any potential
4 disruption of the "magical" Disney experience enjoyed by Disney's non-
5 disabled guests.

6 35. Either Disney designed the DAS with a goal or "benefit" in mind of
7 substantially reducing the number of autistic and cognitively impaired
8 persons who visit the Disney Parks, or Disney recognized such "benefit"
9 promptly upon release of the DAS and has accepted its adverse impact
10 upon Plaintiffs. Manifestations of this motivation or acceptance
11 include:

12 a. Disney's employees, who previously exhibited only the highest
13 care and attention for Plaintiffs during their visits to the parks,
14 turned overnight into a terrible new version of themselves.
15 Disney's employees uniformly reversed all of their prior
16 characteristics; courtesy was replaced with rudeness, acceptance
17 with suspicion, understanding with impatience, consideration
18 with discourtesy. The switch from respect for Plaintiffs' needs to
19 disdain for Plaintiffs' presence was so broad, and so consistent,
20 and so immediate, that Disney clearly trained its personnel to
21 engage in behavior that is calculated to deter Plaintiffs from ever
22 returning to the Parks in the future.

23 b. Plaintiffs and persons like them frequently visit the parks and
24 other public accommodations bearing proof of their disability
25 and/or special need, often in the form of medical documentation.
26 Until October of 2013, Disney's Guest Relations employees were
27 trained to deem such information irrelevant; when Plaintiffs and
28 others like them offered such information for review, the Disney

1 employees courteously indicated the information was
2 unnecessary. This was true because, if for no other reason, the
3 Americans with Disabilities Act and regulations implementing it
4 prevented further inquiry into the nature of the disability. But
5 the Disney employees did not avoid all discussion of a guest's
6 special need, especially where a guest wanted to volunteer
7 information for the purpose of explaining a need and inquiring
8 about a potential modification to Disney's practices.
9 Commencing with the DAS, Disney personnel give a subtle but
10 distinctly different response to any offers of information: the
11 employee advises that he or she has been "instructed not to
12 review" the information. The difference in message creates the
13 result of avoiding all discussion of any guest's special need, in
14 favor of treating all disabled guests the same. By insisting upon
15 treating all disabled guests the same, Disney systemically refuses
16 to consider individualized modifications of its procedures to
17 accommodate any individual's special need.

18 c. The DAS card itself reveals Disney's motivations:

- 19 1) Disney replaced its generically-titled "Guest Assistance
20 Card" with the stigma-emphasizing title of "Disability
21 Access Service" card. There can be no plausible good faith
22 reason for deliberately re-naming the card in this manner.
- 23 2) Disney now insists upon taking a photograph of the
24 disabled guest at the commencement of each two-week
25 period the guest visits the Disney Parks. Non-disabled
26 persons are not required to submit to the taking of their
27 photograph. There can be no plausible good faith reason
28

1 for adding this pre-condition to disabled persons' entry to
2 the Disney Parks.

3 3) The card expressly cites its purpose as follows:

4
5 *The Disability Access Service is designed for Guests who*
6 *are unable to tolerate extended waits due to disability.*
7 *This service allows Guests to schedule a return time*
8 *that is comparable to the current queue wait for the*
9 *given attraction.*

10 *This service does not provide immediate or priority*
11 *attraction access.*

12 Disney cannot possibly miss the facial incongruity in this
13 language. The first sentence purports to help the Plaintiffs
14 avoid waits, while the second sentence institutionally
15 mandates waits. A "return time" equal to other patrons'
16 "current queue wait" ***is*** a wait. And, for the Disney Parks, it
17 is definitively a ***long*** wait. Disney's biggest obstacle to
18 providing a perfect outing for all its guests is its notoriously
19 long wait times. One-hour wait times are the norm. The
20 primary difference for non-disabled patrons is that they
21 can tolerate and withstand the dreaded wait times, while
22 Plaintiffs cannot. In the third sentence, Disney
23 acknowledges the difference between immediate access
24 and priority access; that is, immediate access is not
25 necessarily preferential or superior treatment in
26 comparison to the access afforded other guests. Even if
27 Plaintiffs have a special need for near-immediate access,
28 they have never sought, and do not seek, "priority" access.

- 1 4) The first and last of the “Terms and Conditions” of the DAS
2 Card are:

3
4 *Your scheduled return time does not provide immediate*
5 *access upon your return.*

6 *When utilizing this service, it is possible to experience*
7 *waits greater than the posted wait time.*

8
9 Disney cannot in good faith miss the incongruity of these
10 provisions. To suggest that the disabled guest must
11 schedule an appointment for a ride, for whatever time in
12 the future would be the start or boarding time if the guest
13 were to stand in line, while not promising to let the guest
14 onto the ride at the appointment time, is outlandish.
15 Disney mandates the making of an appointment time but
16 refuses to commit to honoring the appointment time. By
17 doing so, Disney refuses to commit to providing an
18 accommodation. Plaintiffs do not control and cannot
19 predict whatever variables may exist to influence Disney’s
20 decision to accommodate a guest by honoring a promised
21 wait time. The second sentence establishes that even if the
22 DAS is followed, other, non-disabled guests may receive
23 more favorable service.

- 24 5) The very cover of the DAS card gives the disabled guest this
25 instruction:

1 *At each attraction, please show this card to an*
 2 *attraction Cast Member to notify them of your*
 3 *assistance needs. They will assign a return time based*
 4 *on the current wait.*

5 *When available, please use Disney FASTPASS® service to*
 6 *reduce your wait time.*

7 This language constitutes an admission that Disney will
 8 not, under any circumstances, eliminate or reduce a wait
 9 time. The first sentence invites a discussion of a guest's
 10 special needs. The second sentence establishes that no
 11 matter what special need the disabled guest may want to
 12 discuss, one and only one accommodation will be
 13 offered, and it is to wait as long as a non-disabled guest
 14 waits. (Or, given Disney's lack of commitment to
 15 honoring a promised return time, perhaps even longer.)
 16 The third sentence confirms that, under any
 17 circumstances, the disabled person will experience an
 18 extended wait, because he or she is encouraged to take
 19 other measures to reduce the wait time.

- 20 36. When Disney unleashed the DAS system on its unsuspecting disabled
 21 fans, Disney publicly announced that only the highest-functioning
 22 persons would be accommodated by the DAS system and that others
 23 would be accommodated based upon their individual special needs.
 24 Disney knew, as admitted by Mark Jones, Disney's Manager of Domestic
 25 Services for Guests with Disabilities, that other autistic persons and
 26 other persons with cognitive impairments would require individualized
 27 attention in order to accommodate their special needs. However,
 28 Disney expressly trained its Guest Relations employees not to

1 acknowledge any individual special needs and not to provide any
2 individualized accommodations. As the DAS card provides on its cover,
3 no matter what the special need, the “accommodation” is the same.

4 37. On March 27, 2014, the United States Centers for Disease Control and
5 Prevention released a report concluding that in 2010, one of every 68
6 American children was identified as autistic, an increase of 30% in two
7 years. Disney, as one of the world’s premier providers of goods and
8 services for children, does not miss such demographics and trends.

9 38. Disney knew the DAS would be universally despised by guests with
10 cognitive disabilities, because the system would not accommodate their
11 special needs.

12 39. The entire DAS is predicated upon the concept that Disney will
13 accommodate Plaintiffs, not by relieving them of the burden of waiting,
14 but by relieving them of the burden of waiting in lines. However,
15 without exception, when each Plaintiff who has visited the Parks since
16 October 9, 2013 arrived at the Parks, he or she reported as required by
17 Disney to Guest Relations, and was immediately met with an extended
18 wait, in line, just to obtain the DAS card. Disney is too smart to
19 genuinely believe that it reasonably accommodates disabled persons by
20 making them wait in lines as a precondition of being relieved of the
21 burden of waiting in lines.

22 40. Disney knows the DAS makes the wait time of disabled persons even
23 longer than the notorious wait times which non-disabled persons are
24 already required to endure in the Parks. When the wait time associated
25 with reporting to Guest Relations to complete the stigmatizing
26 procedure of having a photograph taken, a procedure not required of
27 non-disabled persons, is added to the assigned and designated wait
28 time for any particular ride, the disabled person’s wait is, by definition,

1 longer than the non-disabled person's wait time. If a disabled person
2 waits one hour at Guest Relations to obtain the DAS card, then complies
3 with the DAS and rides one ride which has a one-hour wait time, the
4 disabled person's wait time is two hours, while the non-disabled
5 person's wait time is only one hour. If the disabled person rides five
6 rides, each with a one-hour wait time, the disabled person's wait time is
7 12 minutes longer per ride than the non-disabled person's wait time.

8 41. Disney's Disability Access Service systematically builds in still another
9 mechanism for ensuring that disabled persons spend more time waiting
10 than non-disabled persons, and that they do so in lines. Under Disney's
11 prior Guest Assistance Card program, the guest obtained a card which
12 was effective for the succeeding 14 days with no further administration
13 or hassle. But under the new DAS, anything resembling an
14 accommodation beyond the baseline DAS, such as a single Fast Pass, is a
15 "one-time only" accommodation, and it is only provided to those who
16 push back against Disney in the futile effort to make Disney's
17 employees, who have been trained not to listen, understand that the
18 DAS does not accommodate persons with cognitive impairments. For
19 this reason, the disabled guest must report to Guest Relations every day
20 upon entry into one of the Parks. The disabled guest must then repeat
21 the first day's one-hour wait in the Guest Relations line, all for the
22 privilege of repeating the prior day's complaints in vain, hoping that
23 someone will listen or that someone will provide something in addition
24 to the DAS which, standing alone, is nothing. There can be no good faith
25 reason for Disney to require families in which someone has a
26 developmental disorder or cognitive impairment to begin their day in
27 such an unpleasant fashion.
28

1 **4) The Disability Access Card: A Contrived Solution to a**
 2 **Non-Existent Problem**

3 42. Beginning in approximately May of 2013, public news and media
 4 outlets reported that Disney was suffering from a problem of “rented
 5 invalids.” Reportedly, persons were fraudulently arranging to become
 6 companions of disabled persons they otherwise did not know, purely to
 7 skip the queues for immediate entry into Disney attractions and rides.

8 43. The news pieces, which suddenly appeared and focused on a problem
 9 which had apparently gone unnoticed for decades, seemed to spread
 10 virally.

11 44. The “rented invalid” problem never existed to any extent which
 12 necessitated a massive overhaul of Disney’s policies for accommodating
 13 disabled persons. Rather, Disney influenced the release and/or spread
 14 of such articles, for the specific purpose of creating cover for its
 15 planned rollout of the DAS program. Disney wanted the public to view
 16 the “rented invalid” problem as an epidemic of fraud, with Disney as its
 17 victim.

18 45. One facet of the DAS is that guests with mobility challenges are
 19 removed entirely from the DAS system. Disney now refuses to even
 20 acknowledge that persons in wheelchairs are disabled. Guests with
 21 wheelchairs are now told that the queues are fully accessible for them
 22 so they may wait in lines with the non-disabled persons. Even if the so-
 23 called “rented invalid” problem ever really existed, once Disney
 24 removed mobility-challenged guests from the DAS, the problem was
 25 solved. The systemic abuse about which Disney became suddenly
 26 frantic in 2013 could never be carried out by or with persons with
 27 developmental disorders or cognitive impairments. If there was a
 28 problem with non-disabled guests “renting” persons in wheelchairs for

a day, the problem could not occur with persons like Plaintiffs. No fake companion would “rent” an autistic guest for a day in the Parks, because the eccentricities of the disabled person’s visit to the Parks would render the day completely unpleasant for the fake companion. Autistic persons are mentally and physically incapable of browsing or wandering randomly looking for an attraction that might be inviting. Like Plaintiff A.L., many must follow the same pattern through the Parks, every time, riding the same rides, in the same order, every time. Or like Plaintiff J.S., they must ride the same ride, over and over, for several hours at a time. They do not stop for casual dining, or to rest, or for shopping or picture-taking. They cannot honor the schedule or priorities of their companions. Their day does not resemble a day anyone who would “rent” them might want. By completely eliminating persons with mobility challenges from the DAS and making those disabled persons wait in queues, Disney eliminated the epidemic it wants the public to believe existed. There was no longer a reason to roll out the DAS at all.

46. Disney’s cited justification for abandoning Plaintiffs’ right of equal access to Disney’s facilities: “[The GAC] had been abused and exploited to such an extent that we were no longer able to sustain the program” is simply meritless. The so-called problem of widespread abuse of Disney’s accommodations never existed, and never could have existed, in connection with Plaintiffs.

5) DAS Disinformation: Disney Places Outrageous and Insulting Videos on the Web for Its own Spin Control Benefit

47. Public blogs and social networking websites are a very common form of communication within the autistic community. Since October of 2013,

1 those sites have consistently shown how widely and acutely despised
2 Disney's new form of "accommodation" is.

3 48. Fearing for its own reputation within the highly profitable non-disabled
4 community, Disney arranges for messages to be posted on such
5 websites, without acknowledging Disney's sponsorship, of well-
6 scripted positive messages which are actually from Disney employees
7 or agents.

8 49. Disney has sponsored, without attribution or acknowledgement,
9 numerous videos on the internet which are wickedly contrary to
10 everything Disney knows about cognitive impairments. There can be
11 no good faith reason for sponsoring false messages. These videos are
12 designed to induce the non-disabled community to believe that Disney
13 is really trying to accommodate persons with cognitive impairments.
14 For viewers within the disabled community, the videos are even worse
15 because they blame the autistic person for their own failures to
16 appreciate Disney's Parks. They go so far as to propose that the reason
17 an autistic person cannot tolerate a ridiculous queue time is their own
18 lack of effort or control; they can self-teach themselves to handle such
19 environments, and if they were to simply try harder, they would see
20 that one-hour waits are just fine. In October 2013 a video appeared
21 advising parents of children with developmental disorders to have
22 their child practice waiting before visiting the park. Disney knew
23 disabled Plaintiffs are incapable of waiting in long lines without melting
24 down yet treated the harm caused by waiting as if it were a skill which
25 could be acquired with repetition.

26 50. Disney knows that viewers of these messages who are part of the
27 disabled community or who have any true understanding of cognitive
28 impairments will be insulted and disgusted, because Disney is too

smart to be delivering such inane messages in good faith, just as Disney is too smart to genuinely believe autistic persons can go all the way to a ride and calmly and peaceably accept an instruction to come back later. Disney also knows that it is very common for disabled persons to visit the Parks with only one parent companion – this is particularly common for autistic children who live in the vicinity of the Parks and visit more frequently using annual or extended passes. A single parent accompanying an autistic child cannot leave the child alone or with another person; there is no choice but to take the child all the way to the ride only to have the child learn that he or she is prohibited from riding it. More aptly, the child will be told he or she is prohibited from riding the ride “at this time,” but the temporal portion of the prohibition is too complicated for the child to understand.

51. Illicitly-supported videos are not designed to actually aid persons with cognitive impairments or their caretakers. Disney is too knowledgeable to propose that an instructional video could ever meaningfully teach or encourage persons with cognitive impairments to “practice waiting in line,” or to “browse in the stores” during the wait time, or to similarly kill time by using the restroom or having a snack.

52. These messages, posts and videos are not designed for their stated audience, which Disney knows will know better. They are designed only to cover Disney’s reputation in the non-disabled community, in case any of the disabled community’s widespread despair about the DAS system should spill over to the non-disabled community.

6) Feigned Accommodation: Inconsistently Doling Out Occasional Ride Passes to Quiet Complaining Guests

53. Upon creating and implementing a system that was destined to create horrible experiences for persons with cognitive impairments, with the

1 result of deterring persons with cognitive impairments from visiting
2 the Parks, Disney further trained its Guest Relations employees that
3 these guests were likely to complain about their experiences and about
4 the new system's total failure to accommodate their special needs. The
5 employees were instructed to tolerate whatever resistance they could,
6 and when absolutely unavoidable, the employees could consult with a
7 supervisor, and upon receiving approval, give up to three immediate-
8 access, no-appointment ride entry passes to the guest. Even during the
9 first few months of the system, the Guest Relations employees
10 arbitrarily and capriciously extended these passes to Plaintiffs.
11 Occasionally the employees granted three passes; sometimes two.
12 Other times the employees advised that they could provide no passes at
13 all and could only provide the DAS card and nothing more, because
14 Disney policy firmly prohibits any accommodation beyond that
15 afforded by the DAS card. Even when two or three passes were
16 extended, some Plaintiffs were advised that Disney policy firmly
17 provides that no further passes could or would be made available that
18 day. Others were advised that more passes would be made available
19 that day, but only if the guest were to return to Guest Relations to
20 obtain them, which the employees know is unworkable because
21 returning to Guest Relations would be contrary to Plaintiffs' special
22 needs. Some Plaintiffs were even told at one Disney Park that
23 additional passes were available as an accommodation beyond the DAS
24 card, while being told on the next day, at a different park during the
25 same visit to the Walt Disney World resort, that Disney's new DAS
26 policy strictly prohibits the granting of such passes.

- 27 54. Disney's new policy of inconsistently, arbitrarily and capriciously
28 granting additional passes only when a guest loudly complains, creates

1 complete unpredictability for families in which someone has a
2 developmental disorder or cognitive impairment. Disney knows this
3 arbitrariness will further deter families in which someone has a
4 developmental disability or cognitive impairment from visiting the
5 Parks. If the families cannot rely upon Disney and its employees to
6 graciously, caringly and empathetically accommodate disabled persons'
7 special needs as Disney always previously did, the families will not risk
8 the disabled person's calmness and stability by visiting the Parks.
9 Guests living more than a day-trip away will not risk the investment of
10 an extended vacation.

11 55. Disney's arbitrariness is also destined to deter further visits to the
12 Parks because Plaintiffs and similarly-situated guests simply do not
13 welcome the notion of having to start each day in the Parks by
14 reporting to Guest Relations and becoming a complainer, with the hope
15 of obtaining some meaningful accommodation such as Fast Passes.
16 Starting the day so unpleasantly is the antithesis of any person's
17 anticipated day in one of the Parks.

18 56. Families in which someone has a cognitive impairment are well-
19 connected in web groups and social networking communities. Some of
20 those discussion outlets are Disney-specific and are monitored by
21 Disney, either openly or secretly. Disney expected the word to quickly
22 get out within those virtual communities that Disney no longer
23 meaningfully accommodates persons with cognitive impairments.

24 57. Disney's systemic arbitrariness continued into January of 2014. After
25 three months of discriminating against persons with cognitive
26 impairments and providing only the pretense accommodation
27 described above to those who complained, Disney began uniformly
28 announcing to families in which a guest has a cognitive impairment that

1 even the passes that Disney had been inconsistently, arbitrarily and
 2 capriciously doling out to complaining guests were no longer available
 3 at all. No accommodation beyond the DAS card would be made
 4 available to anyone.

5 58. Disney can of course readily modify the DAS or roll out alternate
 6 procedures which would accommodate Plaintiffs' needs, with no
 7 alteration in Disney's way of doing business. The best indicators of this
 8 simple feasibility include:

- 9 a. Even before ADA existed – even before Disney had an express
 10 statutory obligation to accommodate disabled persons – Disney
 11 accommodated disabled persons, admirably.
- 12 b. When ADA was passed and for more than 20 years thereafter,
 13 Disney admirably accommodated the needs of guests with
 14 developmental disorders and cognitive impairments.
- 15 c. Even after conjuring up the DAS, Disney created a Magic List
 16 concept. Disney refuses to publicize its Magic List, lest it actually
 17 become widely known within the autistic community.
- 18 d. At about the same time that Disney rolled out the DAS, or shortly
 19 thereafter, Disney started a test release of its Magic Band
 20 product, which enables rides to be scheduled by appointment.
 21 The band could easily be programmed to allow the disabled
 22 wearer prompt access to all rides, or to specific rides. Disney
 23 refuses to make Magic Bands available to persons outside those
 24 staying in the Disney resorts.

25 **7) A Secret Accommodation, Unknown to Disabled Guests,**
 26 **is No Accommodation at All**

27 59. After months of systemically-designed unpredictability, followed by the
 28 total predictability of no accommodation at all beyond Disney's

impossible one-accommodation-fits-all DAS, Disney began inconsistently, arbitrarily and capriciously doling out still another occasional accommodation, internally known as the “Magic List.” The Magic List is a secret list of persons to whom Disney will automatically extend, without the stigma of a “Disability” card, and without a mandatory photograph, and without the newly-ingrained disrespect of Disney employees, five immediate-entry, no-appointment ride passes.

60. The Magic List does not perfectly accommodate the special needs of all persons with cognitive impairments, but it is considerably better than the recklessly inadequate DAS card.

61. Disney is withholding the existence of the “Magic List” from the broader community of families in which someone has a cognitive impairment. By doing so, Disney continues to deter families from visiting the Parks or making plans to do so. Families of persons with developmental disabilities or cognitive impairments remain unwilling to return to the Parks, in fear that the disabled person will experience otherwise avoidable meltdowns and otherwise be subjected to discrimination and humiliation in the Parks. If the accommodation to be provided to persons on the Magic List were refined, and if the Magic List were made known to disabled persons and their families to allow them to predict their likely experience prior to incurring the risk and investment of traveling to the Parks, this deterrence would be substantially reduced or eliminated.

8) Disney has Demonstrated Callous Disregard for the Rights of Plaintiffs, Each of Whom has a Developmental Disorder

62. As alleged above, Disney possesses sophisticated knowledge of the special needs of persons with cognitive impairments. Disney did not

1 accidentally roll out a system which is so distinctly inconsistent with
2 the special needs of such persons. Disney did so intentionally or
3 recklessly, to cleanse its Parks of what Disney views as the anti-Magic
4 of such persons' stimming, tics, and meltdowns, or subsequently
5 intentionally or recklessly accepted the damage to Plaintiffs as a benefit
6 to Disney.

7 63. In connection with the planning and implementation of the DAS,
8 Disney:

- 9 • Spent years designing a system which is wholly inconsistent with
10 Disney's own sophisticated knowledge base about persons with
11 cognitive impairments;
- 12 • Disseminated false information about a problem which never
13 existed to any meaningful extent, and which never existed to any
14 extent for persons with cognitive impairments, to gain cover for its
15 planned unveiling of a harshly discriminatory program;
- 16 • Implemented a new accommodations system which wholly
17 eliminated accommodations for guests with mobility impairments,
18 thus erasing the problem which Disney had contrived as cover; there
19 remained no epidemic for Disney to "cure" by creating a new
20 accommodations program for persons with cognitive impairments,
21 who were never part of the now-eliminated problem;
- 22 • Unleashed the DAS system, to the entirely predictable dismay of the
23 community of families which include persons with cognitive
24 impairments;
- 25 • Caused or allowed families in which a person has a cognitive
26 impairment to suffer horribly unpleasant visits to Disney's Parks for
27 several months, with knowledge that such experiences would
28

1 become widely known and would deter other such families from
2 bringing their visible “non-Magic” into the Parks in the future;

- 3 • Trained its employees to adopt positions toward guests with
4 cognitive impairments which involve offering feigned
5 accommodations which were destined to be soundly rejected,
6 predictably creating a newly disrespectful and unkind attitude not
7 previously exhibited by Disney’s employees;
- 8 • Inconsistently, arbitrarily and capriciously provided “one-time only”
9 additional accommodations only to families who complained loud
10 enough, and even then only to an extent which was not genuinely
11 designed to accommodate the guests’ special needs. The principal
12 purpose for these arbitrary “one-time only accommodations” was
13 simply to give Disney’s employees something to ameliorate their
14 own unkind treatment of disabled persons, and to allow the
15 employees to quiet the loudest complainers;
- 16 • Kept a secret “Magic List” of persons Disney is willing to
17 accommodate, without disseminating information about the
18 existence of the list, and without advising the public as to the criteria
19 which is being used by Disney to exclude many disabled persons
20 from the Magic List while making it available to others;
- 21 • Made plans to officially roll out a new technology which could be
22 used to accommodate Plaintiffs’ special needs only after Plaintiffs
23 and others like them have been deterred from visiting the Parks;
- 24 • Systemically refuses to communicate with guests about their
25 accessibility needs, to avoid addressing any possible modifications
26 to Disney’s plans and procedures which might accommodate such
27 needs.
28

- 1 64. Disney maliciously caused injury to Plaintiffs, discriminating against
2 them in the short term with the expectation or known consequence of
3 deterring them and other similarly-situated persons from visiting the
4 Disney Parks in the long term.
- 5 65. Disney cruelly and oppressively subjected Plaintiffs to discrimination
6 for no defensible, honorable purpose.
- 7 66. Disney fraudulently disseminated or encouraged the dissemination of
8 false information, for the purpose of creating cover to prevent
9 discovery or public discussion of its scheme.
- 10 67. As a result of Disney's malice, oppression and fraudulent conduct, all in
11 willful and conscious disregard of Plaintiffs' rights, and pursuant to
12 §3294 of the California Civil Code, Disney must be punished. Punitive
13 damages, if assessed here, would create an example for large
14 corporations which set out to sell out entire groups of disabled persons
15 simply because the company views those persons as blemishes against
16 the company's own self-image.

17 **Attorneys Fees and Litigation Expenses**

- 18 68. As a result of Disney's callous discrimination and violations of the
19 Americans with Disabilities Act, Plaintiffs have been required to retain
20 the services of undersigned counsel. Plaintiffs have agreed to pay
21 undersigned counsel a reasonable attorneys' fee and have agreed to
22 reimburse the attorneys' reasonably-incurred litigation expenses.
23 Plaintiffs are entitled to recover their reasonable attorneys' fees and
24 costs in filing this action, pursuant to 42 U.S.C.A. Section 12205.
- 25
26
27
28

COUNT 1

Violation of the Americans with Disabilities Act

42 U.S.C. §§12131, *et seq.*

A.L. v. Disney

69. Plaintiff A.L. incorporates and re-alleges paragraphs 1 through 66, and 68 above.
70. A.L. has autism.
71. A.L. is a person with a disability, as that term is defined in 42 U.S.C. §12102(1).
72. A.L. is 22 years of age and is generally in the care of his mother, D.L., who brings this action as A.L.'s next friend.
73. A.L and D.L are residents of Orange County, Florida.
74. For many years leading up to October of 2013, from the time A.L. was a small boy, A.L. and D.L. visited the Walt Disney World Parks dozens of times. During those visits, A.L. exhibited a nature and extent of joy that he rarely showed in any other setting. D.L. was always proud and joyful of the opportunity to bring to her beloved child a level of happiness which he rarely showed elsewhere.
75. A.L.'s cognitive impairments manifest themselves in a certain way during his visits to the parks; A.L. is incapable of deviating from consistency, order and routine. Upon entering the Parks, A.L. can travel in only one direction, stopping at only the same places, in the same order, every time.
76. About a week before Disney subjected guests with cognitive impairments to the DAS, Disney executive Mark Jones called D.L. to discuss the new system. D.L. knew immediately, based only upon Jones' representations of how the system would supposedly operate, that the

1 system would not work – it simply would not accommodate the special
2 needs of persons with cognitive impairments. Jones acknowledged that
3 the baseline DAS system would not work for all. Shockingly, he
4 proposed that it would work for 90% of all persons with cognitive
5 impairments, and that only a few would require individualized care and
6 accommodation.

7 77. The individualized care which Jones indicated would be provided was
8 never actually made available to A.L. and D.L. in the Parks. On each
9 occasion that D.L. attempted to explain A.L.'s special need to Disney
10 personnel, Disney personnel insisted that the four corners of the DAS
11 was all the accommodation that could be made available. Not only
12 were A.L.'s needs not supported, they were ignored.

13 78. During their first visit to Magic Kingdom following rollout of the DAS
14 system, D.L. reported as required to Guest Relations. Ironically, she
15 was required to wait in line for nearly one hour to gain access to the
16 DAS card procedure, the purpose of which is to avoid lines.

17 79. When this wait finally ended, D.L. explained to Disney personnel that
18 A.L. can only visit the Park in one precise order. And that he is
19 incapable of traveling all the way to a ride only to be turned away and
20 told to come back later.

21 80. Notwithstanding Disney's highly sophisticated knowledge of the needs
22 of persons with cognitive impairments, and notwithstanding Disney's
23 historic ability to accommodate A.L.'s special needs, Disney personnel
24 now offered bizarre and preposterous responses to D.L.'s recitations
25 regarding A.L.'s needs. Their statements were so contrary to Disney's
26 body of knowledge and to Disney's historic performance that Disney
27 cannot have accidentally proposed such absurdities. For example,
28 Disney personnel simply ignored A.L.'s inability to experience Magic

1 Kingdom in anything except one pre-defined order, and tried to offer,
2 or pretended to try to offer, alternate routes with which A.L. might
3 experience the Park. Any such suggestion is wholly contrary to any
4 reasoned understanding of the needs of autistic persons, and reflects a
5 naiveté about the special needs of persons with cognitive impairments
6 which is thoroughly inconsistent with Disney's own historic
7 understanding. Generally, autistic persons cannot browse; they cannot
8 impulsively enjoy substitute experiences; they cannot "kill time." And
9 Disney knows this. Disney has known this for years.

10 81. Even after being told of the assurances which Jones gave to D.L., the
11 Disney Guest Relations employee repeated that the DAS card system is
12 "all that Disney can offer" to a guest like A.L.

13 82. At one point a Disney employee had the audacity to suggest that the
14 family "split up" to experience the Parks. Again, Disney has a
15 sophisticated knowledge of autism. Disney certainly knows that 85%
16 of marriages among parents of a cognitively impaired child end in
17 divorce. Suggesting that they enjoy the Parks separately is outlandish.

18 83. Only after D.L. persisted in her resolve to obtain accommodation for
19 A.L. did Disney provide anything more. Disney provided a few fast
20 passes, along with the DAS card. During all these discussions with
21 Disney personnel, the Disney employees displayed a terribly uncaring
22 and unsympathetic attitude and approach. For the first time in A.L.'s
23 life, the Disney employees made the experience a miserable one.

24 84. D.L. and A.L. left Guest Relations and went to the first ride in A.L.'s
25 order – the Jungle Cruise. The wait was 40 minutes, which A.L. cannot
26 withstand. The idea of leaving and coming back in 40 minutes was
27 preposterous. So A.L. and D.L. and their other family members used the
28 Fast Passes to enjoy the ride without waiting. The family then feared

1 continuing on A.L.'s pre-ordained "route" because A.L. would need to
2 finish it, and with only three Fast Passes left, the family would not be
3 able to avoid a meltdown. Having no option, they left the park, after
4 experiencing one attraction.

5 85. Like most parents of autistic children, D.L. knows her child's stimming,
6 tics, and tendencies. She knows the stimuli that are likely to
7 overwhelm him. And she does not permit these stimuli to overwhelm
8 him – no parent will permit a child to experience a meltdown if such
9 can be avoided.

10 86. D.L. subsequently communicated with Disney personnel in an effort to
11 cooperate with Disney and achieve a truly accommodating openness.
12 Disney personnel showed no willingness or desire to improve the
13 experience for guests like A.L.

14 87. D.L. incurred monetary costs in purchasing tickets to the Parks for trips
15 that were entirely wasted, and incurred other expenses during the
16 wasted trips to the Parks.

17 88. A.L. and D.L. have already visited the Parks considerably less frequently
18 than they did in the past, a situation which continues to this day. Their
19 interest in attending Disney Parks is substantially reduced. They will
20 not attend the Parks in the future due to their expectation that the
21 experience will again be a supremely un-accommodating one.

22 WHEREFORE, Plaintiff A.L., by and through D.L. as his next friend,
23 parent and natural guardian, prays that this Court adjudicate this dispute and
24 enter an Order:

- 25 • Enjoining Defendant to cease the practices which are causing
26 discrimination against Plaintiff on account of A.L.'s disability; and
- 27 • Enjoining Defendant to reasonably modify its policies, practices, and
28 procedures to afford Plaintiff with an opportunity to experience

- 1 Disney's goods, services, facilities, privileges, advantages, and
 2 accommodations; and
- 3 • Establishing Court-approved remedial measures that Disney must
 4 implement, to prevent Disney from further discriminating against
 5 Plaintiff when they visit the Disney Parks; and
 - 6 • Establishing Court-approved requirements for information
 7 dissemination about Disney's remedial measures and modified
 8 policies, to prevent Disney from further deterring Plaintiff from
 9 visiting Disney Parks as a result of anticipated discrimination; and
 - 10 • Establishing a monitoring program to ensure Disney's compliance
 11 with the Court's Orders; and
 - 12 • Awarding reasonable attorney's fees as may be determined by the
 13 Court in favor of Plaintiff and against Disney; and
 - 14 • Awarding reasonable litigation costs as may be determined by the
 15 Court in favor of Plaintiff and against Disney; and
 - 16 • Such other relief as this Court may find just and equitable.

17 COUNT 2

18 **Breach of Contract**

19 ***D.L. v. Disney***

- 20
- 21 89. Plaintiff D.L. incorporates and re-alleges the allegations of paragraphs 1
 22 through 66, and 70 through 88 above.
- 23 90. D.L., through D.L.'s acquisition of Disney tickets for D.L. and her family,
 24 entered into a contract through which Disney promised to provide a
 25 reasonable and enjoyable amusement park experience, and one which
 26 complies with applicable law.
- 27
- 28

91. Disney failed or refused to provide the promised experience, and is in breach of contract.

92. D.L. incurred monetary costs in purchasing tickets to the Parks for trips that were entirely wasted, and incurred other expenses during the wasted trips to the Parks. Plaintiff is damaged by Disney's breach of contract.

WHEREFORE, Plaintiff D.L. prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney breached its contract with D.L.; and
- Entering judgment for Plaintiff D.L. in the amount of her economic monetary damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 3

Violation of the Americans with Disabilities Act

42 U.S.C. §§12131, et seq.

J.S. v. Disney

93. Plaintiff J.S. incorporates and re-alleges paragraphs 1 through 66, and 68 above.

94. J.S. has autism.

95. J.S. is a person with a disability, as that term is defined in 42 U.S.C. §12102(1).

96. J.S. is seven years of age and is generally in the care of his mother, D.S., who brings this action as J.S.'s next friend and natural guardian.

1 97. J.S. and D.S are residents of Palm Beach County, Florida.

2 98. For many years leading up to October of 2013, from the time J.S. was an
3 infant, J.S. and D.S. and their family visited the Disney Parks at Walt
4 Disney World many times. During approximately the last four years of
5 that time, J.S. carried the red card associated with the Guest Assistance
6 Card system, and he was admirably accommodated. During those
7 visits, J.S. exhibited a nature and extent of joy that he rarely showed in
8 any other setting. D.S. was always proud and joyful of the opportunity
9 to bring to her beloved child a level of happiness which he rarely
10 showed elsewhere.

11 99. J.S.'s cognitive impairments manifest themselves in a certain way
12 during his visits to the parks; J.S. is "repeat rider." This is a variety of
13 the trait of requiring consistency, order and routine. Specifically, J.S.
14 will ride a particular ride or experience a particular attraction over and
15 over, for several hours at a time. Disney personnel are very familiar
16 with the repeat rider type of guest, in that they have discussed such
17 guests with D.S. while D.S. and J.S. have visited the Parks.

18 100. J.S. cannot tolerate long lines and wait times. When he was only two,
19 when J.S. had only just been diagnosed as autistic and before D.S.
20 became aware of the availability of the Guest Assistance Card, J.S.
21 experienced a meltdown event on the Winnie the Pooh ride. After a
22 short wait in the line, J.S. began hitting things and eventually fell to the
23 ground in total meltdown. Over time, as is the case with any mother of
24 an autistic person, D.S. became very familiar with J.S.'s impulsivity and
25 stimming activity. One thing she knows to protect J.S. from is exactly
26 the experience to which Disney insists upon subjecting him – idle wait
27 times. The family has occasionally tested J.S.'s ability to idly wait in a
28

1 queue. After only a few minutes J.S.'s stimming increased, after which a
2 meltdown would follow if left in that situation.

3 101. After October 9, 2013, J.S. no longer received individualized attention
4 when J.S. and D.S. visited the Parks. Their first visit during the DAS card
5 period occurred December 11-13, 2013. The first evening of their
6 arrival they did not need the DAS card as they only watched Magic
7 Kingdom parades and visited one attraction that had no wait.

8 102. Their first full day was at Epcot. When they reported to Epcot, a Disney
9 Guest Relations employee said they needed to take J.S.'s, photograph,
10 which Disney had never required in the past. After the photograph was
11 taken, the Disney employee explained the DAS card. D.S. immediately
12 advised that the system will not work for autistic persons like J.S. She
13 explained that J.S. is a repeat rider, a concept which was familiar to the
14 employee. The employee then turned over the DAS card along with a
15 stack of about a dozen fast passes – three for each of the four persons in
16 their party.

17 103. Upon leaving Guest Relations at Epcot, J.S. unsurprisingly trekked
18 immediately to Test Track, where the wait time was substantial. D.S.
19 knew immediately that it was impossible for J.S. to not ride the ride
20 once they'd arrived; the suggestion that they should come back later
21 was absurd. Anyone with a working knowledge of persons with
22 cognitive impairments, which Disney possesses, knows that an autistic
23 child cannot comprehend postponing a present-tense pleasure in this
24 fashion. Doing so would make no more sense to J.S. than being given a
25 plate of wonderful food and being told not to eat it now, but rather to
26 go away and come back and eat it in an hour.

27 104. Similarly, Disney's suggestions that autistic persons should "practice
28 waiting in line," or should pass the time waiting for the ride by "doing

1 other fun things,” or “having a snack,” or “browsing in the stores” is so
2 incomprehensible as to be insulting. J.S., like other autistic persons, is
3 incapable of “browsing” or otherwise idly passing the time.

4 105. Given no option other than the extended wait, they used the Fast Passes
5 to ride Test Track several times until J.S. grew weary of it. After
6 traveling to another attraction where they did not need to use their
7 Fast Passes, D.S. did not know which attraction J.S. might select next.
8 She knew they could not visit another ride which might have a wait
9 time, because if they reached the ride and J.S. was not permitted to ride
10 it, an unfortunately traumatic event would unfold. The family left the
11 park after visiting only two Epcot attractions and went to Hollywood
12 Studios.

13 106. At Hollywood Studios, D.S. understood they were expected to report to
14 Guest Relations so she could ask Disney for more passes to supplement
15 the DAS card, and because the Fast Passes they had been given the day
16 before indicated on their face that were valid only at Epcot.

17 107. The family arrived at Hollywood Studios around mid-day to discover
18 they had to wait in a 30-minute line to receive accommodations to
19 avoid waiting in line. J.S. waited a short time in the line with D.S. but
20 not could sustain it. When D.S. reached the front she was met by a
21 Disney employee who was less cordial than the Epcot employee had
22 been. The employee again explained the DAS card. D.S. advised her
23 that the system could not work for an autistic child like J.S. The
24 employee gave D.S. two Fast Passes for each member of the family and
25 said they might be able to get more once those were used, but the
26 family would need to return to Guest Relations to retrieve them. When
27 D.S. tried to explain why this approach did not accommodate J.S., the
28 employee abruptly told D.S. that there is simply nothing more Disney

will do for J.S. and his family. When D.S. asked whether they could, at least, receive three Fast Passes, as had been given to them at Epcot, the Hollywood Studios employee, in a demonstration of Disney's unpredictable accommodation practices, said she didn't know why they handled it that way at Epcot, because that was not consistent with Disney policy.

108. They left Guest Relations to find a 65-minute wait time at Toy Story. They used Fast Passes to ride Toy Story twice, then gave up on further rides. They watched a show, had dinner, and went home.

109. On the third day – December 13, 2013 – they visited Epcot again because Magic Kingdom was blacked out for them. They rode Test Track again, then one ride twice which had no line (Spaceship Earth), another attraction which had no line (Captain EO), and left.

110. J.S. and D.S. do not intend to visit the Parks as they would have if Disney had not abandoned its past policy of accommodating the special needs of persons with cognitive impairments. Their interest in attending Disney Parks is substantially reduced. D.S. knows they should avoid attending the Parks in the future due to the expectation that the experience will again be a supremely un-accommodating one, and due to the risk that the experience will be destructive for J.S.

WHEREFORE, Plaintiff J.S., through D.S. as his next friend, parent and natural guardian, prays that this Court adjudicate this dispute and enter an Order:

- Enjoining Defendant to cease the practices which are causing discrimination against Plaintiff on account of J.S.'s disability; and
- Enjoining Defendant to reasonably modify its policies, practices, and procedures to afford Plaintiff with an opportunity to experience

- 1 Disney's goods, services, facilities, privileges, advantages, and
 2 accommodations; and
- 3 • Establishing Court-approved remedial measures that Disney must
 4 implement, to prevent Disney from further discriminating against
 5 Plaintiff when they visit the Disney Parks; and
 - 6 • Establishing Court-approved requirements for information
 7 dissemination about Disney's remedial measures and modified
 8 policies, to prevent Disney from further deterring Plaintiff from
 9 visiting Disney Parks as a result of anticipated discrimination; and
 - 10 • Establishing a monitoring program to ensure Disney's compliance
 11 with the Court's Orders; and
 - 12 • Awarding reasonable attorney's fees as may be determined by the
 13 Court in favor of Plaintiff and against Disney; and
 - 14 • Awarding reasonable litigation costs as may be determined by the
 15 Court in favor of Plaintiff and against Disney; and
 - 16 • Such other relief as this Court may find just and equitable.

COUNT 4

Breach of Contract

D.S. v. Disney

- 21 111. Plaintiff D.S. incorporates and re-alleges the allegations of paragraphs 1
 22 through 66, and 94 through 110 above.
- 23 112. D.S., through D.S.'s acquisition of Disney tickets for D.S. and her family,
 24 entered into a contract through which Disney promised to provide a
 25 reasonable and enjoyable amusement park experience, and one which
 26 complies with applicable law.

113. Disney failed or refused to provide the promised experience, and is in breach of contract.

114. D.S. incurred monetary costs in purchasing tickets to the Parks for trips that were entirely wasted, and incurred other expenses during the wasted trips to the Parks. Plaintiff is damaged by Disney's breach of contract.

WHEREFORE, Plaintiff D.S. prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney breached its contract with D.S.; and
- Entering judgment for Plaintiff D.S. in the amount of her economic monetary damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 5

Violation of the Americans with Disabilities Act

42 U.S.C. §§12131, et seq.

S.J.K. v. Disney

115. Plaintiff S.J.K. incorporates and re-alleges paragraphs 1 through 66, and 68 above.

116. S.J.K. has Down syndrome and is autistic. To a limited extent, S.J.K. can verbally communicate to others. To a more limited extent, S.J.K. can receive and process select communications from others related mostly to routine and daily living. He is sensory input sensitive, cannot read or write, is visually impaired, is a continuing heart patient following open

1 heart surgery, and suffers from hypotonia which causes him to become
2 easily fatigued.

3 117. S.J.K. is a person with a disability, as that term is defined in 42 U.S.C.
4 §12102(1).

5 118. S.J.K. is 18 years of age and is generally in the care of his mother, S.L.K.,
6 who brings this action as S.J.K.'s next friend, parent and court-
7 appointed Co-Guardian.

8 119. S.J.K. and S.L.K. are residents of Oakland County, Michigan.

9 120. Many years ago, before S.J.K. was born, S.L.K. visited Walt Disney World
10 with her husband, S.J.K.'s father. A few years later, when S.J.K. was two,
11 they visited again and took S.J.K. along. Those two visits, many years
12 ago, were wonderful, magical Disney experiences. Disney treated the
13 family, including S.J.K., terrifically.

14 121. Over the years S.L.K and her husband remained enamored with Disney
15 in every way, and they always hoped to return to the Park. It was
16 simply beyond their means to do so. For many years, S.L.K. and her
17 family planned and saved for their return to Walt Disney World. None
18 of the family visited Walt Disney World again until the family was able
19 to take their long-awaited vacation there in October of 2013, after S.J.K.
20 was 18. If only they had waited 15.5 years instead of 16, it would have
21 been the vacation they had always dreamed about. Instead, it ended up
22 a horrible experience.

23 122. S.J.K. is incapable of tolerating idle times of inactivity such as standing
24 in a line. Nor could he ever compute the concept of going all the way to
25 a ride and not riding it, with an alternative plan to return later. Like
26 other autistic persons, S.J.K. does not comprehend alternatives to
27 apparently presently-available experiences.
28

1 123. When placed in such situations, S.J.K. experiences meltdowns like most
2 autistic children, though they appear different. Rather than the more
3 common manifestation of going to the ground and flailing wildly and
4 moving uncontrollably, S.J.K. tends to internalize. As stimulation
5 increases, S.J.K. becomes more withdrawn and mute. Ultimately, if
6 over-stimulated, he will fall to the ground and lay still and silent.
7 Unfortunately, he is now too large for his mother, especially in light of
8 her own disability, to easily lift him off the ground and remove him
9 from the situation.

10 124. S.L.K. is not a routine, avid web-surfer to the extent of many parents in
11 the autistic community, so she had learned few details about the
12 widely-despised DAS system. She knew only that Disney had
13 implemented some kind of new system for accommodating disabled
14 persons. She did not care to inquire very much into the details of that
15 system, because she held the Walt Disney Company in such high regard
16 and esteem that she was completely confident that whatever system
17 Disney might have, it would be the finest possible, and it would be
18 implemented with care and kindness.

19 125. During the intervening 16 years, the family periodically visited the
20 Disney website to view the Parks and attractions. S.J.K. had developed
21 a few favorite characters and attractions, characters and attractions
22 that always brought joy when he viewed them online, including Mickey
23 Mouse himself, Cinderella's Castle, It's a Small World, Grand Prix
24 Raceway, and a few others.

25 126. The family dedicated an extended vacation to the trip to Walt Disney
26 World and set off on the drive from Michigan. They had purchased 6-
27 day Park-Hopper packages which also included Disney resort
28 accommodations as well as water parks and meals. They planned to

1 visit all four Walt Disney World Parks during their stay, along with
2 other Disney facilities.

3 127. S.J.K. and S.L.K. were accompanied on their trip by the gentleman who
4 is S.J.K.'s father and S.L.K.'s husband, and by S.L.K.'s mother. S.L.K. and
5 S.L.K.'s mother are also disabled persons; they each face mobility
6 challenges. S.L.K. can stand and/or walk only limited distances due to a
7 number of cardiovascular issues and surgeries; S.L.K.'s mother had
8 recently undergone knee replacement surgery and would need a
9 wheelchair to navigate the Parks.

10 128. The family arrived at the Walt Disney World Resort in the middle of the
11 day and proceeded to their hotel, Disney's Caribbean Beach Resort, to
12 check in. Upon check-in, the Disney employee at the desk handed them
13 their "Magic Bands," but told them very little about the Magic Bands.
14 They were told only that the Magic Bands would be their hotel room
15 key, purchasing card, and park admission ticket. They never knew, and
16 in fact did not know until four months after the family's visit to Walt
17 Disney World, that the Magic Bands could also be used to arrange a
18 limited number of admission times to certain rides and attractions.

19 129. The next morning, prior to their planned visit to Magic Kingdom, S.J.K.
20 was amazingly excited about the day ahead. Upon arriving at Magic
21 Kingdom, the family entered the gates and, looking down Main Street at
22 Cinderella's Castle, felt the same excitement and wonder that millions
23 of other visitors experience every year.

24 130. To S.L.K., the sight of S.J.K. at that exhilarating moment, staring
25 wonderfully down Main Street with a look of pure joy, was the entire
26 reason they had planned the trip. She would not see another look of joy
27 on S.J.K.'s face for the rest of that day. In fact, for the entire six days that
28 they would spend in the park, she would see that look only once more,

1 and it would not be in connection with a ride or attraction; it would be
2 when Mickey Mouse visited with S.J.K.

3 131. The family then proceeded to Guest Relations, as S.L.K. understood they
4 were expected to do. Upon arrival at City Hall, S.L.K. was immediately
5 shocked to see a huge crowd waiting in a very long line which extended
6 out of the building and into Main Street. S.L.K. waited in the line for a
7 very long time before the line even advanced into the City Hall building.
8 After another 45 minutes, S.L.K. reached the front of the line.

9 132. At the front of the Guest Relations line, Disney's shattering of the spirit
10 of S.J.K. and S.L.K. and their family, which would continue for six days,
11 took form in the new species of Disney employee they encountered at
12 the Parks. From that moment and throughout their stay, the employees
13 consistently displayed an attitude toward S.L.K. which could only leave
14 her convinced that they had adopted a "we don't want to hear about
15 your problems" attitude. She was specifically told by multiple
16 employees that "we can't ask" you questions about how we might help
17 you – even when S.L.K. was obviously voluntarily trying to initiate an
18 open and candid discussion about the family's situation and special
19 needs. In the end, she concluded that the employees were deliberately
20 building a front of ignorance. This type of unfortunate interaction with
21 Disney employees started immediately, at Guest Relations.

22 133. Upon reaching the front of the line, S.L.K. was greeted by a Disney
23 employee. S.L.K. did not know what she was supposed to say or do, did
24 not know what to request. She said she was there with her family and
25 that they have some disabilities. The Disney employee asked: "What
26 are these disabilities?" S.L.K. responded that her son is disabled and
27 that she and her mother have mobility problems. The employee looked
28 S.L.K. incredulously and said: "Well, you and your mother can obviously

1 walk, so the most Disney can do for you is offer you a wheelchair
2 rental” to make S.L.K. and her mother more comfortable while they
3 wait in lines. The employee added that “wheelchairs can be rented for
4 \$12.00 per day and electric scooters for \$40.00 per day.” Until that
5 moment, it had not occurred to S.L.K. that the only accommodation
6 Disney would offer them was a wheelchair, and that Disney would
7 charge money for the accommodation. She shuddered at the thought
8 that in order to wait in lines they would have to rent three wheelchairs,
9 so that S.L.K. and her mother could withstand waiting in lines; perhaps
10 another for S.J.K. They had not included even one wheelchair rental in
11 their vacation budget; the possibility of more than one was out of the
12 question.

13 134. S.L.K. then advised the employee that her son has Down Syndrome.
14 S.J.K. could never have waited in the City Hall line so he was not
15 present. Not seeing S.J.K. nearby, the employee stared coldly and
16 disbelievingly at S.L.K. and repeated the wheelchair script. At that
17 point S.J.K. came running in, arrived at S.L.K.’s side, and promptly fell to
18 the City Hall floor. Seeing that S.J.K. really does have Down Syndrome,
19 the employee said “well, maybe your son does qualify for some kind of
20 accommodation” and disappeared into the back offices of City Hall.
21 After an extended time of perhaps 15 minutes she emerged with a
22 green card and eight Fast Passes (two per family member).

23 135. The Disney employee explained how the green DAS card would work.
24 S.L.K. told her this procedure would not work for S.J.K. and tried to
25 explain why, by explaining certain traits that are inherent in S.J.K. and
26 persons with similar cognitive impairments. The Disney employee did
27 not want to hear it, and said that “the DAS card is all Disney will do for
28 your son;” that the two Fast Passes per family member were an added

1 benefit for the whole family. S.L.K. then asked, if all Disney could
2 provide was the DAS card for S.J.K. and wheelchair rentals for others,
3 who would push all these wheelchairs when they have only four
4 persons in their party? The Disney employee, still exhibiting no care or
5 concern, robotically repeated her prior lines. Just as the Disney
6 employee at the Caribbean Beach Resort the previous day did not
7 explain any of the Fast Pass attributes of the Magic Bands to the family
8 at check-in, the Guest Relations employee did not explain that Disney
9 also provided in-park Fast Pass appointments at certain rides.

10 136. Resigned to the fate that Disney would provide them no effective
11 accommodation, S.L.K. resolved to take what was being offered, and she
12 helped S.J.K. through the DAS card process. S.L.K. was immediately put
13 back by Disney's insistence that S.J.K. be photographed as a condition of
14 receiving any accommodation whatsoever. No other visitors to the
15 Parks must be photographed. And then she was disturbed to see that
16 Disney, inexplicably, required that S.J.K.'s photograph appear below a
17 legend which, in the most prominent and largest font on the DAS card,
18 included the word "Disability." Having completed these insulting steps
19 in the process, the family left City Hall, two hours after S.L.K. first got in
20 line.

21 137. The family proceeded first to rent a wheelchair for shared family use;
22 they could not afford more than one, and even if they could have,
23 multiple pushers of the wheelchairs would not be available.

24 138. The family then tried to approach Cinderella's Castle so that S.J.K. could
25 perhaps go inside it or touch it. Due to the crowds and their own
26 situation they could get nowhere near it.

27 139. Based upon S.J.K.'s love of cars and his visits to the Disney website, the
28 family went to the Grand Prix Raceway, which they had talked about for

1 a long time leading up to their vacation. Upon arrival, they saw a line
2 that was staggeringly long, and immediately knew S.J.K. could not
3 withstand it. And the notion of not riding it after taking S.J.K. to it, so
4 that they could come back at some future time, was preposterous. So
5 the family used four of the eight Fast Passes to enjoy the ride. S.J.K.
6 wanted to ride the ride again, so he and his father did so, using two of
7 the remaining Fast Passes and preserving the last two.

8 140. The family then went to the Haunted Mansion, where they were
9 confronted by a similarly impossible line. They told a Disney employee
10 that they only had two Fast Passes left for the four of them. The
11 employee allowed the four of them onto the ride while collecting their
12 last two Fast Passes.

13 141. After the Haunted Mansion, the lack of further accommodation for
14 S.J.K.'s need left the family unable to experience any further rides or
15 attractions. They wandered around, watched a parade, had dinner, and
16 left, having visited only two attractions the entire day. They missed the
17 opportunity to visit one attraction about which S.J.K. had dreamed: It's
18 a Small World. They would not have been able to manage the line, and
19 had no Fast Passes left.

20 142. That evening, S.L.K. and her husband lamented the awful day and
21 wondered between them whether it was something about their family
22 that had caused Disney to act so unwelcomingly and uncaringly. Surely
23 other persons and families with disabilities were being meaningfully
24 accommodated?

25 143. On another day, the family visited Hollywood Studios. They went first
26 to Guest Relations, where they were met with a one-hour wait in line.
27 When S.L.K. finally arrived at the front, she was frustrated to find that
28 only one of several stations had been manned to serve the persons in

1 the line. S.L.K. told the single Disney employee that they had a DAS
2 card, which she showed to the employee, and she asked what further
3 accommodation was available. The employee responded by handing
4 her one Fast Pass per family member (a total of four). S.L.K. said "I
5 don't understand the system. How do I get more? Why only one? Why
6 not three? Or six? Or some other number?" To which the employee
7 replied: "The most I can do for you is one Fast Pass per family member."

8 144. The family left Guest Relations and went on two rides in Hollywood
9 Studios: The Great Movie Ride and Toy Story. Out of Fast Passes, they
10 were unable to experience anything else, because they never saw a line
11 which presented less than a one-hour wait.

12 145. The family visited Animal Kingdom on day three and Epcot on day six,
13 each of which was just as unfortunate and frustrating as day one and
14 day two had been. Each day began with a Guest Relations visit, where
15 they were given two Fast Passes per family member.

16 146. At Animal Kingdom and Epcot, S.L.K. told the Guest Relations personnel
17 their DAS card system did not accommodate S.J.K. But, after her
18 experiences the first two days, S.L.K. gave up on further efforts to
19 explain to the Disney employees why their one-size-fits-all DAS card
20 does not accommodate S.J.K. The Animal Kingdom and Epcot Guest
21 Relations employees were just as unfeeling and relentlessly uncaring as
22 the other employees had been the first two days.

23 147. At Animal Kingdom and Epcot, pushed away by Disney's refusal to find
24 a way to accommodate S.J.K. in the face of Disney's bizarrely long lines
25 and wait times, the family used their Fast Passes for entry onto two
26 popular attractions in each park, wandered around some, and left.

27 148. S.J.K. possesses some self-awareness. He may not understand that he is
28 developmentally disabled in comparison to others, but he understands

1 that his special needs, or his own involuntary behaviors, can cause bad
 2 times for others. When he displays behavior that clearly creates a
 3 negative situation for his parents, S.J.K. will often exhibit a face of
 4 sorrow and will say "I'm sorry" to S.L.K.

5 149. S.J.K. suffered astonishing mental anguish, emotional trauma,
 6 humiliation and embarrassment as a result of Disney's discrimination
 7 against him and Disney's treatment of him. S.L.K. also suffered tragic
 8 mental pain and suffering, humiliation and embarrassment as a result
 9 of Disney's discrimination against S.J.K.

10 150. Had their Disney experience been a fine one, akin to the experience no
 11 doubt provided by Disney to non-disabled persons, S.L.K. would already
 12 be saving for a return family vacation. Unfortunately, her family's
 13 experience at the Parks, and her learning since their vacation of
 14 Disney's widespread disregard for the needs of persons with cognitive
 15 impairments, leads her to conclude that until Disney decides to return
 16 to accommodating persons like S.J.K., they will not even begin to save or
 17 plan for such a trip. The first six days of misery were enough; S.L.K. has
 18 no interest in being treated this way again, and is especially
 19 uninterested in her son being treated this way again.

20 WHEREFORE, Plaintiff S.J.K., through S.L.K. as his next friend, parent
 21 and court-appointed Co-Guardian, prays that this Court adjudicate this
 22 dispute and enter an Order:

- 23 • Enjoining Defendant to cease the practices which are causing
 24 discrimination against Plaintiff on account of S.J.K.'s disability; and
- 25 • Enjoining Defendant to reasonably modify its policies, practices, and
 26 procedures to afford Plaintiff with an opportunity to experience
 27 Disney's goods, services, facilities, privileges, advantages, and
 28 accommodations; and

- Establishing Court-approved remedial measures that Disney must implement, to prevent Disney from further discriminating against Plaintiff when they visit the Disney Parks; and
- Establishing Court-approved requirements for information dissemination about Disney's remedial measures and modified policies, to prevent Disney from further deterring Plaintiff from visiting Disney Parks as a result of anticipated discrimination; and
- Establishing a monitoring program to ensure Disney's compliance with the Court's Orders; and
- Awarding reasonable attorney's fees as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Such other relief as this Court may find just and equitable.

COUNT 6

Negligent Infliction of Emotional Distress

S.J.K. v. Disney

151. Plaintiff S.J.K. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 116 through 150 above.

152. During one or more visits to the Parks, S.J.K. suffered an actual meltdown.

153. The symptoms and conditions associated with S.J.K.'s meltdown constitute a physical injury under Florida law.

154. S.J.K.'s meltdown in the Parks was proximately caused by Disney's negligent, unlawful, reckless and arbitrary treatment of S.J.K. during his patronage of Disney's facilities. At all material times, Disney

1 knew S.J.K. to be vulnerable to emotional injury if treated in such a
 2 manner by anyone.

3 155. S.J.K.'s meltdown and the treatment which proximately caused S.J.K.
 4 to experience the meltdown caused him grave and extreme mental
 5 anguish and emotional trauma, for which Disney should be held
 6 accountable.

7 **WHEREFORE**, Plaintiff S.J.K., by and through S.L.K. as S.J.K.'s next
 8 friend, parent and natural guardian, prays that this Court adjudicate this
 9 dispute and enter an Order:

- 10 • Finding that Disney negligently inflicted emotional distress upon
- 11 S.J.K.; and
- 12 • Finding such infliction to have caused damages to S.J.K.; and
- 13 • Entering judgment for Plaintiff S.J.K. in the amount of such
- 14 damages; and
- 15 • Awarding reasonable litigation costs as may be determined by the
- 16 Court in favor of Plaintiff and against Disney; and
- 17 • Awarding prejudgment interest; and
- 18 • Such other relief as this Court may find just and equitable.

19 COUNT 7

20 **Intentional Infliction of Emotional Distress**

21 ***S.J.K. v. Disney***

22
 23
 24 156. Plaintiff S.J.K. incorporates and re-alleges the allegations of
 25 paragraphs 1 through 66, and 116 through 150 above.

26 157. During one or more visits to the Parks, S.J.K. suffered an actual
 27 meltdown.
 28

1 158. The symptoms and conditions associated with S.J.K.'s meltdown
2 constitute a physical injury under Florida law.

3 159. S.J.K.'s meltdown in the Parks was proximately caused by Disney's
4 outrageous, unlawful and reckless treatment of S.J.K. during his
5 patronage of Disney's facilities. At all material times, Disney knew
6 S.J.K. to be vulnerable to emotional injury if treated in such a manner
7 by anyone.

8 160. S.J.K.'s meltdown and the treatment which proximately caused S.J.K.
9 to experience the meltdown caused him grave and extreme mental
10 anguish and emotional trauma, for which Disney should be held
11 accountable.

12 **WHEREFORE**, Plaintiff S.J.K., by and through S.L.K. as S.J.K.'s next
13 friend, parent and natural guardian, prays that this Court adjudicate this
14 dispute and enter an Order:

- 15 • Finding that Disney intentionally inflicted emotional distress
16 upon S.J.K.; and
 - 17 • Finding such infliction to have caused damages to S.J.K.; and
 - 18 • Entering judgment for Plaintiff S.J.K. in the amount of such
19 damages; and
 - 20 • Awarding reasonable litigation costs as may be determined by the
21 Court in favor of Plaintiff and against Disney; and
 - 22 • Awarding prejudgment interest; and
 - 23 • Such other relief as this Court may find just and equitable.
- 24
25
26
27
28

COUNT 8

Breach of Contract

S.L.K. v. Disney

161. Plaintiff S.L.K. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 116 through 150 above.

162. S.L.K., through S.L.K.'s acquisition of Disney tickets for S.L.K., S.J.K., and their family, entered into a contract through which Disney promised to provide a reasonable and enjoyable amusement park experience, and one which complies with applicable law.

163. Disney failed or refused to provide the promised experience, and is in breach of contract.

164. S.L.K. incurred monetary costs in purchasing tickets to the Parks for trips that were entirely wasted, and incurred other expenses during the wasted trips to the Parks. Plaintiff is damaged by Disney's breach of contract.

WHEREFORE, Plaintiff S.L.K. prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney breached its contract with S.L.K.; and
- Entering judgment for Plaintiff S.L.K. in the amount of her economic monetary damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 9**Negligent Infliction of Emotional Distress*****S.L.K. v. Disney***

165. Plaintiff S.L.K. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 116 through 150 above.

166. During one or more visits to the Parks, S.L.K.'s beloved son S.J.K. suffered an actual meltdown while in S.L.K.'s presence.

167. The symptoms and conditions associated with S.J.K.'s meltdown constitute a physical injury to S.J.K. under Florida law.

168. S.J.K.'s meltdown in the Parks was proximately caused by Disney's negligent, unlawful, reckless and arbitrary treatment of S.J.K. during his patronage of Disney's facilities. At all material times, Disney knew S.J.K. to be vulnerable to emotional injury if treated in such a manner by anyone.

169. S.L.K. directly observed the stressors leading up to the meltdown, S.J.K.'s resulting escalation and his meltdown. Particularly in light of her trust and confidence that Disney would comply with applicable law and act in a gracious and caring manner toward her son, S.L.K. could do nothing reasonable to prevent the meltdown.

170. S.L.K.'s observation of S.J.K.'s meltdown and of the outrageous conduct and treatment which proximately caused S.J.K. to experience the meltdown caused S.L.K. grave and extreme mental anguish and emotional trauma, for which Disney should be held accountable.

WHEREFORE, Plaintiff S.L.K. prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney negligently inflicted emotional distress upon S.L.K.; and

- Finding such infliction to have caused damages to S.L.K.; and
- Entering judgment for Plaintiff S.L.K. in the amount of such damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 10

Intentional Infliction of Emotional Distress

S.L.K. v. Disney

171. Plaintiff S.L.K. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 116 through 150 above.
172. During one or more visits to the Parks, S.L.K.'s beloved son S.J.K. suffered an actual meltdown.
173. The symptoms and conditions associated with S.J.K.'s meltdown constitute a physical injury under Florida law.
174. S.J.K.'s meltdown in the Parks was proximately caused by Disney's outrageous, unlawful and reckless treatment of S.J.K. during his patronage of Disney's facilities. At all material times, Disney knew S.J.K. to be vulnerable to emotional injury if treated in such a manner by anyone.
175. S.L.K. directly observed the stressors leading up to the meltdown, S.J.K.'s resulting escalation and his meltdown. Particularly in light of her trust and confidence that Disney would comply with applicable law and act in a gracious and caring manner toward her son, S.L.K. could do nothing reasonable to prevent the meltdown.

176. S.L.K.'s observation of S.J.K.'s meltdown and of the outrageous conduct and treatment which proximately caused S.J.K. to experience the meltdown caused S.L.K. grave and extreme mental anguish and emotional trauma, for which Disney should be held accountable.

WHEREFORE, Plaintiff S.L.K. prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney intentionally inflicted emotional distress upon S.L.K.; and
- Finding such infliction to have caused damages to S.L.K.; and
- Entering judgment for Plaintiff S.L.K. in the amount of such damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 11

Violation of the Americans with Disabilities Act

42 U.S.C. §§12131, *et seq.*

A.B. v. Disney

177. Plaintiff A.B. incorporates and re-alleges paragraphs 1 through 66, and 68 above.

178. A.B. has autism.

179. A.B. is a person with a disability, as that term is defined in 42 U.S.C. §12102(1).

1 180. A.B. is six years old and is generally in the care of his mother, M.B.,
2 who brings this action as A.B.'s next friend, parent and natural
3 guardian.

4 181. A.B. and M.B. are residents of Palm Beach County, Florida.

5 182. M.B. grew up a Disney fan, first traveling to a Disney park in 1971.
6 She grew up visiting the Parks two to three times a year. Disney was
7 "in her blood;" her parents loved going to Walt Disney World, and
8 took advantage of any opportunity to take M.B. to Magic Kingdom.

9 183. M.B. and her husband first took A.B. to the Walt Disney World Parks
10 to share her history of magical experiences when A.B. was three
11 months old. At the time, Disney used the Guest Access Card system
12 and made an effort to accommodate A.B. on account of his cognitive
13 disability. From the first time M.B. and A.B. visited Magic Kingdom,
14 M.B. felt instant relief. Walt Disney World Parks provided a place
15 where M.B. and her husband could take A.B. and not be judged or
16 feel adjudicated. Indeed, Walt Disney World Parks were one of the
17 few places M.B. and her husband could take A.B. and A.B. would
18 legitimately have a good time.

19 184. M.B. and her husband took A.B. to the Parks three to four times per
20 year before October 2013. In January, 2014, M.B. and A.B. did not
21 renew their annual passes.

22 185. For M.B. and A.B., a typical visit to the Walt Disney World Parks
23 started with their arrival at Guest Relations at Magic Kingdom to
24 obtain the Guest Assistance Card from Disney employees who were
25 kind and friendly, always greeting M.B. and A.B. with smiles. Next,
26 they headed directly to It's a Small World, and a few other
27 attractions before attending a character lunch. M.B. and A.B.
28 routinely left Magic Kingdom feeling satisfied and happy. Typically,

1 they rested before going to Epcot at night for an evening of more
2 rides before a character dinner. M.B and A.B. repeated this the next
3 day. A.B. was able to stay in a park for two to three hours, during
4 which he showed his happiness the entire time.

5 186. The experience was drastically different beginning in October of
6 2013, when Disney rolled out its Disability Access Service system.
7 Suddenly, Disney no longer provided the individualized attention
8 that, once upon a time, made A.B.'s experience a magical one.

9 187. A.B. is incapable of tolerating idle times of inactivity such as
10 standing in line. A.B. also exhibits "repeat rider" traits as well as a
11 commitment to routine and consistency. A.B. must always begin his
12 Disney experience with It's a Small World, which he repeats
13 numerous times before moving on to his next favorite ride, The Little
14 Mermaid. In addition to frequently riding the same ride over and
15 over again, A.B. cannot be surrounded by large groups of people or
16 crowds, so the concept of waiting in a crowded queue is appalling to
17 M.B. as it could lead to a meltdown for A.B. Additionally, being
18 denied the ability to repeat a particular ride is disastrous to A.B.'s
19 magical experience. A.B. likes to ride and repeat a few specific rides,
20 attend one character lunch and then leave.

21 188. A.B. lacks the capacity to comprehend the concept of going all the
22 way to a ride and not riding it. Being offered an appointment in the
23 future to offset the deprivation in the present is meaningless; A.B.
24 cannot follow such logic and would melt down at the present
25 deprivation without ever understanding the so-called future
26 appointment.

27 189. When forced to be around crowds of people, A.B. becomes over-
28 stimulated and will begin to stim. This stimming includes self-

1 inflicted hitting, rolling around on the floor, hitting his ears, and
2 banging his head against the floor. Were A.B. to visit It's a Small
3 World and be told he cannot ride it but can come back in forty-five
4 minutes to do so, A.B. would undoubtedly experience a meltdown
5 event, which would require M.B. to pick him up and carry him until
6 they were able to leave the park. Such events are so ugly and
7 traumatic for A.B. that M.B. of course does whatever she can to avoid
8 them, for his benefit.

9 190. Prior to October of 2013, A.B. never had a meltdown at the Walt
10 Disney World Parks, because Disney was very accommodating and
11 welcoming to A.B., allowing him quick and immediate access to the
12 rides, often repeatedly.

13 191. In advance of October 2013, M.B. and her husband planned a trip to
14 Walt Disney World Parks with A.B. The trip was to culminate with
15 Mickey's Not-So-Scary Halloween Party. As the planning developed,
16 M.B. learned that Disney had implemented some kind of new system
17 for attempting to accommodate disabled persons. She learned only a
18 few details about the program, mostly from the My DAS Experience
19 Facebook page.

20 192. For more information, M.B. contacted Disney by telephone, before
21 the family's October 2013, trip for more details about the widely-
22 despised Disability Access Service system. In this telephone
23 discussion, Disney assured M.B. everything would be fine – Disney
24 even told M.B. the new system would be better than the Guest Access
25 Card. Because M.B. had been a life-long Disney fan, she was
26 completely confident that whatever new system Disney might have,
27 it would be the finest possible, fully accommodating A.B.'s needs
28 with the care and kindness Disney had showed him in the past.

1 193. The weekend before Halloween in October 2013, M.B., her husband,
2 and A.B. arrived at Walt Disney World. As they had done in the past,
3 they reported first to Guest Relations. Unlike on their previous
4 visits, they were confronted with a one and a half hour wait. The
5 wait was chaotic, with people uniformly complaining about the new
6 Disability Access Service card while waiting to for their pictures to
7 be taken. M.B. shared the line with a plethora of complaining guests
8 in wheelchairs, in addition to the chaos created by the DAS system.
9 After one and a half hours of waiting, M.B. finally reached the front
10 of the line, in a position to speak with a Disney employee. The
11 Disney employee, who insisted upon taking a picture of A.B.,
12 eventually succumbed to merely a side-shot because A.B. could not
13 sit still long enough to allow his picture to be taken. The Disney
14 employee did not want to discuss specifics about A.B.'s disability and
15 did not try to make specific accommodations. Instead, he offered the
16 DAS card and told M.B. to "go ahead and try it! It will be great." M.B.
17 tried to explain A.B.'s condition and need, even offering
18 documentation from A.B.'s neurologist substantiating his inability to
19 tolerate wait times. The Disney employee immediately responded
20 that she was "not allowed to look at that!" No fast passes were
21 offered or given, merely a card with A.B.'s picture below the
22 prominent label: "DISABILITY."

23 194. M.B. and A.B. walked to It's a Small World, where their magical
24 experience had always begun. This time, however, a Disney
25 employee barked to M.B. that they would have to come back later, so
26 they must go and "do something else!" His final suggestion was to
27 "go eat lunch!" The wait time was one hour and fifteen minutes.
28

1 195. Astonished and at a loss, with no options, M.B. tried the approach
2 mandated by Disney; she took A.B. to eat lunch while he
3 painstakingly waited to ride the much beloved It's a Small World.
4 One hour and fifteen minutes after first arriving, they rode the ride,
5 after which M.B. went back to the queue to speak to the Disney
6 employee about riding the ride again, as A.B. had always done in the
7 past. She was horrified to discover they would have to endure the
8 same process as before: put their name on the list; find something to
9 do; and come back. This would only work for A.B. one more time.

10 196. After the second time, A.B. was done. Upon being told he had to
11 endure a third wait for the ride – the same ride on which Disney had
12 accommodated him on dozens of prior trips and which had ridden
13 perhaps hundreds of times in the past – A.B. entered into a full-
14 fledged meltdown. A.B.'s stimming spun out of control, and he
15 commenced flapping his arms, striking himself, and falling to the
16 ground, whereupon he eventually shut down, leaving M.B. to do
17 everything she could to try to transition A.B. back to a coherent state
18 – perhaps even to find, once again, the Disney Magic.

19 197. Sadly, it would be the first of three meltdowns for A.B., after which
20 M.B. had no choice but to cancel their Not-So-Scary-Halloween Party
21 tickets, and leave Walt Disney World. M.B. has been through a lot as
22 a parent, but watching Disney employees treat A.B. as a second-class
23 guest, like he was offending them by being in the Parks, was too
24 much to stomach. It was a long ride home for A.B, M.B, and her
25 husband. This was the first time A.B. left Walt Disney World Parks
26 unhappy.

27 198. Despite their un-magical, nightmarish experience, M.B. planned a
28 return visit in December of 2013. She just could not believe that

1 Disney had become so bad, so un-magical. She had to give Disney
2 one more chance, the proverbial benefit of the doubt.

3 199. The trip to Walt Disney World in December 2013 was even worse
4 than their trip in October. The Disney employees displayed a robotic
5 lack of understanding and care toward A.B., mechanically
6 discriminating against him and refusing to offer any meaningful
7 accommodation for his special need. A.B. experienced no
8 enchantment, only condescension, judgment, and longer wait times.
9 Again, this experience built up in A.B. toward an incident of epic and
10 terrifying proportions, the likes of which M.B. and her husband had
11 never experienced with A.B.

12 200. December of 2013 was the last time M.B. and her husband took A.B.
13 to Walt Disney World. For so long as Disney persists in its
14 abandonment of Disney's prior policy of accommodating the special
15 needs of persons with cognitive impairments, A.B. and M.B. will not
16 visit the Parks again. M.B. knows that attending Walt Disney World
17 in the future will again be a supremely un-accommodating
18 experience, one which would be destructive for A.B. She cannot
19 tolerate another un-enchanting experience for A.B. She cares too
20 much for him, and Disney no longer cares at all.

21 **WHEREFORE**, Plaintiff A.B., through M.B. as his next friend, parent
22 and natural guardian, prays that this Court adjudicate this dispute and
23 enter an Order:

- 24 • Enjoining Defendant to cease the practices which are causing
25 discrimination against Plaintiff on account of A.B.'s disability; and
26 • Enjoining Defendant to reasonably modify its policies, practices,
27 and procedures to afford Plaintiff with an opportunity to
28

- 1 experience Disney's goods, services, facilities, privileges,
 2 advantages, and accommodations; and
- 3 • Establishing Court-approved remedial measures that Disney must
 4 implement, to prevent Disney from further discriminating against
 5 Plaintiff when they visit the Disney Parks; and
 - 6 • Establishing Court-approved requirements for information
 7 dissemination about Disney's remedial measures and modified
 8 policies, to prevent Disney from further deterring Plaintiff from
 9 visiting Disney Parks as a result of anticipated discrimination;
 10 and
 - 11 • Establishing a monitoring program to ensure Disney's compliance
 12 with the Court's Orders; and
 - 13 • Awarding reasonable attorney's fees as may be determined by the
 14 Court in favor of Plaintiff and against Disney; and
 - 15 • Awarding reasonable litigation costs as may be determined by the
 16 Court in favor of Plaintiff and against Disney; and
 - 17 • Such other relief as this Court may find just and equitable.

18 **COUNT 12**

19 **Negligent Infliction of Emotional Distress**

20 ***A.B. v. Disney***

- 21
- 22
- 23 201. Plaintiff A.B. incorporates and re-alleges the allegations of
 24 paragraphs 1 through 66, and 178 through 200 above.
- 25 202. During one or more visits to the Parks, A.B. suffered an actual
 26 meltdown.
- 27 203. The symptoms and conditions associated with A.B.'s meltdown
 28 constitute a physical injury under Florida law.

204. A.B.'s meltdown in the Parks was proximately caused by Disney's negligent, unlawful, reckless and arbitrary treatment of A.B. during his patronage of Disney's facilities. At all material times, Disney knew A.B. to be vulnerable to emotional injury if treated in such a manner by anyone.

205. A.B.'s meltdown and the treatment which proximately caused A.B. to experience the meltdown caused him grave and extreme mental anguish and emotional trauma, for which Disney should be held accountable.

WHEREFORE, Plaintiff A.B., by and through M.B. as A.B.'s next friend, parent and natural guardian, prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney negligently inflicted emotional distress upon A.B.; and
- Finding such infliction to have caused damages to A.B.; and
- Entering judgment for Plaintiff A.B. in the amount of such damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 13

Intentional Infliction of Emotional Distress

A.B. v. Disney

206. Plaintiff A.B. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 178 through 200 above.

1 207. During one or more visits to the Parks, A.B. suffered an actual
2 meltdown.

3 208. The symptoms and conditions associated with A.B.'s meltdown
4 constitute a physical injury under Florida law.

5 209. A.B.'s meltdown in the Parks was proximately caused by Disney's
6 outrageous, unlawful and reckless treatment of A.B. during his
7 patronage of Disney's facilities. At all material times, Disney knew
8 A.B. to be vulnerable to emotional injury if treated in such a manner
9 by anyone.

10 210. A.B.'s meltdown and the treatment which proximately caused A.B. to
11 experience the meltdown caused him grave and extreme mental
12 anguish and emotional trauma, for which Disney should be held
13 accountable.

14 **WHEREFORE**, Plaintiff A.B., by and through M.B. as A.B.'s next
15 friend, parent and natural guardian, prays that this Court adjudicate this
16 dispute and enter an Order:

- 17 • Finding that Disney intentionally inflicted emotional distress
18 upon A.B.; and
 - 19 • Finding such infliction to have caused damages to A.B.; and
 - 20 • Entering judgment for Plaintiff A.B. in the amount of such
21 damages; and
 - 22 • Awarding reasonable litigation costs as may be determined by the
23 Court in favor of Plaintiff and against Disney; and
 - 24 • Awarding prejudgment interest; and
 - 25 • Such other relief as this Court may find just and equitable.
- 26
27
28

COUNT 14

Breach of Contract

M.B. v. Disney

211. Plaintiff M.B. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 178 through 200 above.

212. M.B., through M.B.'s acquisition of Disney tickets for M.B. and her family, entered into a contract through which Disney promised to provide a reasonable and enjoyable amusement park experience, and one which complies with applicable law.

213. Disney failed or refused to provide the promised experience, and is in breach of contract.

214. M.B. incurred monetary costs in purchasing tickets to the Parks for trips that were entirely wasted, and incurred other expenses during the wasted trips to the Parks. Plaintiff is damaged by Disney's breach of contract.

WHEREFORE, Plaintiff M.B. prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney breached its contract with M.B.; and
- Entering judgment for Plaintiff M.B. in the amount of her economic monetary damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 15**Negligent Infliction of Emotional Distress*****M.B. v. Disney***

215. Plaintiff M.B. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 178 through 200 above.

216. During one or more visits to the Parks, M.B.'s beloved son A.B. suffered an actual meltdown while in M.B.'s presence.

217. The symptoms and conditions associated with A.B.'s meltdown constitute a physical injury to A.B. under Florida law.

218. A.B.'s meltdown in the Parks was proximately caused by Disney's negligent, unlawful, reckless and arbitrary treatment of A.B. during his patronage of Disney's facilities. At all material times, Disney knew A.B. to be vulnerable to emotional injury if treated in such a manner by anyone.

219. M.B. directly observed the stressors leading up to the meltdown, A.B.'s resulting escalation and his meltdown. Particularly in light of her trust and confidence that Disney would comply with applicable law and act in a gracious and caring manner toward her son, M.B. could do nothing reasonable to prevent the meltdown.

220. M.B.'s observation of A.B.'s meltdown and of the outrageous conduct and treatment which proximately caused A.B. to experience the meltdown caused M.B. grave and extreme mental anguish and emotional trauma, for which Disney should be held accountable.

WHEREFORE, Plaintiff M.B. prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney negligently inflicted emotional distress upon M.B.; and

- Finding such infliction to have caused damages to M.B.; and
- Entering judgment for Plaintiff M.B. in the amount of such damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 16

Intentional Infliction of Emotional Distress

M.B. v. Disney

221. Plaintiff M.B. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 178 through 200 above.
222. During one or more visits to the Parks, M.B.'s beloved son A.B. suffered an actual meltdown.
223. The symptoms and conditions associated with A.B.'s meltdown constitute a physical injury under Florida law.
224. A.B.'s meltdown in the Parks was proximately caused by Disney's outrageous, unlawful and reckless treatment of A.B. during his patronage of Disney's facilities. At all material times, Disney knew A.B. to be vulnerable to emotional injury if treated in such a manner by anyone.
225. M.B. directly observed the stressors leading up to the meltdown, A.B.'s resulting escalation and his meltdown. Particularly in light of her trust and confidence that Disney would comply with applicable law and act in a gracious and caring manner toward her son, M.B. could do nothing reasonable to prevent the meltdown.

226. M.B.'s observation of A.B.'s meltdown and of the outrageous conduct and treatment which proximately caused A.B. to experience the meltdown caused M.B. grave and extreme mental anguish and emotional trauma, for which Disney should be held accountable.

WHEREFORE, Plaintiff M.B. prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney intentionally inflicted emotional distress upon M.B.; and
- Finding such infliction to have caused damages to M.B.; and
- Entering judgment for Plaintiff M.B. in the amount of such damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 17

Violation of the Americans with Disabilities Act

42 U.S.C. §§12131, *et seq.*

D.H. v. Disney

227. Plaintiff D.H. incorporates and re-alleges paragraphs 1 through 66, and 68 above.

228. D.H. has autism.

229. D.H. is a person with a disability, as that term is defined in 42 U.S.C. §12102(1).

1 230. D.H. is 19 years of age and is generally in the care of his mother, J.H.,
2 who brings this action as D.H.'s next friend, parent, and court-
3 appointed guardian.

4 231. D.H. and J.H. are residents of Hartford County, Connecticut.

5 232. J.H. first visited Magic Kingdom when she was six-months pregnant
6 with D.H. From the time D.H. was born, leading up to October of
7 2013, D.H. and J.H. visited Walt Disney World dozens of times.
8 Before Disney's Disability Access Service was released in October of
9 2013, D.H. carried the red card associated with the Guest Assistance
10 Card service, and he was admirably accommodated. During those
11 visits, D.H. exhibited a nature and extent of joy that he rarely showed
12 in any other setting. J.H. was always proud and joyful of the
13 opportunity to bring to her beloved child a level of happiness which
14 he rarely showed elsewhere. During those visits, J.H. was enamored
15 with the way Disney employees interacted with D.H., consistently
16 making him feel exceptional and accepted.

17 233. For D.H. and J.H., a typical visit to the Parks before October 2013 was
18 a terrifically pleasurable experience. Typically, upon arriving at
19 Guest Relations at Magic Kingdom, J.H. obtained a Guest Assistance
20 Card for D.H. for their entire vacation. After the brief stop at Guest
21 Relations, J.H. and D.H. almost always started with the "Snow White"
22 attraction and then rotated through others of D.H.'s favorite rides.
23 With the Guest Assistance Card, wait times were never extensive and
24 D.H. never had an unpleasant experience. D.H. and J.H. usually spent
25 the entire day in the Parks, from opening time to closing time.
26 Before October 2013, this would be an annual, once-a-year occasion
27 for D.H. and J.H. to experience as mother and son.
28

1 234. This tradition ended in October of 2013, when J.H. learned about the
2 new Disability Access Service card. Except for bloggers and posters
3 who appear to be sponsored by or illicitly allegiant to Disney,
4 visitors to the Parks who have used the DAS card uniformly find the
5 system to be atrocious. As a result, J.H. and D.H. are reasonably
6 deterred from returning to the Parks. J.H. knows Disney's DAS will
7 increase D.H.'s stimming behaviors to uncontrollable levels. D.H.
8 and J.H. have not visited Walt Disney World as they did in the past, a
9 situation which continues to this day.

10 235. D.H.'s stimming patterns include verbal echolalia. D.H. tends to
11 perseverate on words or phrases; for example, he can say "No more
12 noises!" repeatedly until the request is satisfied. Regarding his
13 Disney experience, D.H. will bring to J.H. videos of the Disney rides
14 he wants to ride during his next trip, and he will tend to watch those
15 videos again and again, repeating his need to ride that particular
16 ride, again and again, until the day finally arrives when he finally is
17 able to ride that ride. If D.H.'s need to repeat an attraction is not
18 satisfied, his verbal stimming increases in frequency and intensity
19 until he is over-stimulated, which will cause him to begin biting his
20 hand and pacing back-and-fourth. He will repeat the need to repeat
21 until eventually, a meltdown occurs.

22 236. D.H. has no concept of time or tense, past or present, present or
23 future. He is incapable of understanding the concepts of waiting or
24 delayed gratification. D.H.'s cognitive impairments manifest
25 themselves in a certain way during his visits to the Parks; D.H. is
26 incapable of deviating from riding specific rides such as Peter Pan or
27 It's a Small World. And he is incapable of deviating from one
28 sequence in which to experience the attractions: he must start by

1 visiting Winnie the Pooh, followed in order by Mickey's
2 PhilharMagic, Peter Pan, and It's a Small World. Additionally, D.H.'s
3 Disney Experience is character-driven – a trip to the Parks would not
4 be complete without seeing Snow White. Disrupting the need to
5 repeat, or the need to travel the Parks in a particular order, or the
6 need to see a particular character, are all stressors for D.H.

7 237. Like most parents of autistic children, J.H. knows her child's
8 stimming, tics, and tendencies. She knows the stimuli and stressors
9 that are likely to overwhelm him. And she does not permit these
10 stimuli to overwhelm him – no parent will permit a child to
11 experience a meltdown if such can be avoided.

12 238. Upon learning of Disney's Disability Access Service, J.H.
13 communicated with Disney in a cooperative effort to obtain
14 reasonable accommodation for D.H. The Disney employee offered
15 her "readmit" passes as what he emphasized was a "one time
16 courtesy," and admonished her not to expect such passes in the
17 future as they were only "a one-time offer." But as J.H. knows, and as
18 Disney knows, autism is not a one-time disability. It is a life-long,
19 cognitive experience with far reaching consequences. Disney's
20 insistence on offering "one-time" solutions to lifetime problems
21 demonstrates, on its face, that Disney is not operating in good faith
22 toward persons with cognitive impairments. The Disney employee
23 who was determined to impart Disney's wisdom upon the family
24 also advised J.H. to go online to reference Disney's guide for
25 cognitively disabled guests, which includes such bizarre advice as
26 "practice waiting in line."

27 239. To J.H., Disney was determined to display ignorance about how autism
28 works, notwithstanding Disney's highly sophisticated knowledge of the

needs of persons with cognitive impairments, and notwithstanding Disney's historic ability to accommodate D.H.'s special needs. Disney's advice was so contrary to Disney's body of knowledge and to Disney's historic performance that Disney cannot have accidentally proposed such absurdities as "practice waiting in line."

240. D.H. and J.H. have not visited the Parks since October of 2013. J.H. and D.H. will not visit the Parks as they have before, because J.H. knows the experience will be un-accommodating and destructive for D.H. In addition, J.H. knows that placing D.H.'s picture on a card and prominently labeling him as disabled will embarrass D.H. and make him feel stigmatized.

241. Despite this deep parental fear, J.H. is conflicted as a parent because D.H. loves Disney; he has loved Disney since the first time he laid eyes on Mickey Mouse and Snow White. J.H. feels compelled to return to the Parks with D.H. because D.H. developed a keen fascination with the magical Disney experience during the time Disney *actually* accommodated J.H. and D.H., with the prior Guest Assistance Card.

242. Disney's prior policy toward persons with cognitive impairments was so caring toward D.H., and D.H.'s love of the Disney experience was so exceptional, that J.H. was induced to purchase a Disney Vacation Club property about four years ago. She paid a purchase price of \$14,700.00 for the property. In addition to paying the purchase price over time, she continues to pay \$70.00 per month in Disney Vacation Club fees.

WHEREFORE, Plaintiff D.H., by and through J.H. as his next friend, parent and court-appointed guardian, prays that this Court adjudicate this dispute and enter an Order:

- Enjoining Defendant to cease the practices which are causing discrimination against Plaintiff on account of D.H.'s disability; and
- Enjoining Defendant to reasonably modify its policies, practices, and procedures to afford Plaintiff with an opportunity to experience Disney's goods, services, facilities, privileges, advantages, and accommodations; and
- Establishing Court-approved remedial measures that Disney must implement, to prevent Disney from further discriminating against Plaintiff when they visit the Disney Parks; and
- Establishing Court-approved requirements for information dissemination about Disney's remedial measures and modified policies, to prevent Disney from further deterring Plaintiff from visiting Disney Parks as a result of anticipated discrimination; and
- Establishing a monitoring program to ensure Disney's compliance with the Court's Orders; and
- Awarding reasonable attorney's fees as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Such other relief as this Court may find just and equitable.

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COUNT 18

Violation of the Americans with Disabilities Act

42 U.S.C. §§12131, *et seq.*

J.M. v. Disney

243. Plaintiff J.M. incorporates and re-alleges paragraphs 1 through 66, and 68 above.

244. J.M. is diagnosed with verbal apraxia, Oppositional Defiant Disorder (ODD) and severe Attention Deficit Hyperactivity Disorder (ADHD).

245. J.M. is a person with a disability, as that term is defined in 42 U.S.C. §12102(1).

246. J.M. is seven years old and is generally in the care of her mother, E.M., who brings this action as J.M.'s next friend, parent and natural guardian.

247. J.M. and E.M. are residents of Lorain County, Ohio.

248. For many years leading up to October of 2013, from the time J.M. was five years old, J.M., E.M. and their family visited the Disney Parks many times, including both Walt Disney World and Disneyland.

249. Before Disney's Disability Access Service was released in October 2013, J.M. carried the red card associated with the Guest Assistance Card service, and she was admirably accommodated. The GAC only needed to be obtained once in a 14 day period; it did not require daily visits to Guest Relations to discuss the accommodations Disney might be willing to extend that day. During those visits, J.M. exhibited a nature and extent of joy that she rarely showed in any other setting. E.M. was always proud and joyful of the opportunity to bring to her beloved daughter a level of happiness which she rarely showed elsewhere.

1 250. Until October of 2013, E.M. appreciated how the Disney employees
2 comforted the family, never making the family feel as if someone in
3 the family was different or under-privileged. For example, when
4 E.M. first took J.M. to Magic Kingdom in January 2011, when J.M. was
5 five years old, E.M. took J.M. to Meet Cinderella, showed her Guest
6 Assistance Card and explained to the Disney employee that J.M. had
7 verbal apraxia and was exceedingly withdrawn and reserved. In an
8 instant, the Disney employee took everyone else out of the room,
9 leaving only E.M., J.M., and Cinderella, creating one magical moment
10 that was so special to J.M. that E.M. began to cry.

11 251. Magical moments like these, before October 2013, induced E.M. to
12 bring J.M. and the family back to the Parks at least five times per
13 year. The Disney experience was so magical, so special, that E.M.
14 purchased a Disney Vacation Club property in August 2013.

15 252. For J.M. and E.M., a typical visit to Disney during the prior GAC
16 system was a delightful adventure. E.M. specifically planned their
17 trips around the special needs of her children. This was easy to do
18 with Disney's prior GAC system. For example, most activities were
19 planned to be completed before 5:00 p.m., when the park would be
20 the busiest, as everyone was rushing to eat. The day typically
21 started at Guest Relations to receive the GAC, with no lines and no
22 waiting. E.M. always felt happy to have a normal vacation without
23 the typical stresses life presents when you are the parent of two
24 cognitively disabled children (E.M.'s son, S.M., is also autistic). It
25 was a unique time for E.M. and J.M. to bond as mother and daughter.

26 253. J.M.'s cognitive impairments manifest themselves in a certain way
27 during her visits to the Parks; J.M. likes to experience the Parks in a
28 specific order, limited to only certain rides and experiences. J.M.

1 sees herself as a “princess,” and is incapable of deviating from riding
2 specific rides or experiencing and meeting certain characters, such
3 as Bibbidi Bobbidi Boutique, My Disney Girl’s Perfectly Princess Tea
4 Party, and Cinderella.

5 254. In October of 2013, Disney rolled out the Disability Access Service
6 and abandoned its prior level of accommodation to J.M. J.M. could no
7 longer enjoy her “princess” experiences, especially since every visit
8 to Magic Kingdom would have to start with an extended wait at
9 Guest Relations in order for E.M. to request additional, “one-time
10 only” accommodations in accordance with Disney’s new DAS
11 policies. Suddenly, Disney no longer provided individualized
12 attention to persons with cognitive impairments, and the Magic
13 disappeared.

14 255. Due to J.M.’s cognitive impairment, J.M. does not and cannot
15 understand the concept of deliberately waiting for a pleasurable
16 experience. As is true of any mother of a cognitively disabled child,
17 E.M. has become very familiar with J.M.’s hyperactivity and
18 oppositional defiance. She has learned that she must protect J.M.
19 from exactly the experience which Disney insists upon inflicting
20 upon J.M. – idle wait times and inconsistent ride sequences and
21 experiences.

22 256. The family has tried to test J.M.’s ability to idly wait in a queue, and
23 her ability to experience attractions in differing orders. J.M. tends to
24 suffer meltdowns in such situations. As Disney knows while feigning
25 ignorance, it can literally take days to transition someone like J.M.
26 from an over-stimulation and meltdown experience. During the
27 family’s most recent trip to Disney, J.M. did not recuperate from her
28

1 first-day meltdown in time to go to the Parks on the second day, as a
2 result of Disney's discriminatory treatment of J.M.

3 257. The family's first visit during the DAS card period occurred
4 November 11, 2013. Immediately upon arriving at Magic Kingdom,
5 E.M. went to Guest Relations. She began explaining the special needs
6 of both of her children. Upon mentioning that her children may also
7 "need a wheelchair," the employee put his hand in her face and said
8 they "did not need the disability pass." E.M. took her children and
9 left immediately, feeling insulted and disturbed by the treatment she
10 had received from the Disney employee.

11 258. After this experience during the November 2013 trip, E.M. did not
12 return to any Walt Disney World Parks. Instead of being subjected
13 to further discrimination, they returned to their hometown in Ohio.

14 259. Previously, E.M. was planning another visit to Walt Disney World at
15 the end of December 2013. Once E.M. returned home to Ohio, she
16 contacted Disney by telephone and email to describe the treatment
17 she received and to ensure they would be properly accommodated
18 during their return visit in December.

19 260. Justin Patterson of Walt Disney World Resort's Guest Experience
20 Services replied on December 7, 2013, and assured E.M. that
21 "accommodations can be made by visiting any of our four Theme
22 Park Guest Relations locations. Unfortunately, we are not able to
23 prearrange any accommodations before your visit." However, on
24 December 13, 2013, the same Justin Patterson of Walt Disney World
25 Resort's Guest Experience services emailed E.M. stating "Our
26 commitment to ensuring our Guests with special needs have a great
27 experience is a top priority. I would like to also reassure you we will
28

1 take care of you and your family's specific needs...Our Cast Members
2 will be happy to assist you and discuss your individual situation."

3 261. Patterson's communications reflect Disney company policy: Disney
4 will not tell a guest how he or she might be accommodated until the
5 guest actually arrives at one of the Parks. Disney knows this policy
6 prevents families from knowing, until after they have committed
7 thousands of dollars and traveled hundreds or thousands of miles,
8 how or whether they will be accommodated. Disney knows this
9 policy will deter families from bringing their "invisible disabilities"
10 into the Parks.

11 262. On this occasion, E.M. was not deterred; she returned to Walt Disney
12 World with her children from December 25, 2013 to January 3, 2014.
13 Again, upon arrival at Magic Kingdom, E.M. went to Guest Relations
14 and explained her children's special needs; an intolerance for idle
15 wait times. While E.M. received a Disability Access Service card for
16 J.M. and three Fast Passes, Guest Relations had no knowledge of any
17 pre-arranged accommodations, as Justin Patterson indicated. As it
18 turned out, their file only stated "accommodate if needed."

19 263. E.M. had to pay for their babysitter to accompany her during this
20 visit, to assist her with her children. The experience lacked the
21 Magic of prior Disney trips, as E.M. and the babysitter spent their
22 time running around Magic Kingdom arranging for wait times for
23 E.M.'s children. This need to chart all activities in advance – not in
24 advance of the trip, but only in advance of particular attractions,
25 because Disney policy does not permit disabled persons to plan in
26 advance of a trip – left J.M. unable to experience the park in a
27 tolerable sequence. The same is also true for E.M.'s other child, who
28

1 also has cognitive impairments. Put simply, the trip was a
2 nightmare.

3 264. After implementation of the DAS system, E.M. noticed a markedly
4 different Disney attitude and a very different Disney employee.
5 Disney Parks' employees repeatedly referred to E.M. and her
6 children as "you people." One example: a Disney employee actually
7 told E.M. they had to use "special pens to write down times for *you*
8 *people*." For E.M. and her children, the "Magic" had disappeared
9 from the Disney experience, replaced by a campaign of disrespect
10 and discrimination.

11 265. J.M. suffered astonishing mental anguish, emotional trauma,
12 humiliation and embarrassment as a result of Disney's
13 discrimination against her and Disney's treatment of her. E.M. also
14 suffered tragic mental pain and suffering and humiliation and
15 embarrassment as a result of Disney's discrimination against J.M.

16 266. While E.M. has been back to Disney Parks with J.M. since their un-
17 magical experience in December 2013, the frequency is tapering.
18 E.M. and her family would visit the Parks more often, as before, had
19 Disney not abandoned its past policy of accommodating the special
20 needs of persons with cognitive impairments. Their interest in
21 attending Disney Parks is substantially reduced. Disney was once a
22 loved one, in J.M.'s eyes; as her mother, E.M. must protect J.M. from
23 the confusing, hurtful and destructive experience of suffering
24 discrimination at the hands of a former loved one.

25 267. Despite this hesitancy, E.M. feels compelled to return to Walt Disney
26 World Parks with J.M. because E.M. purchased a Disney Vacation
27 Club at Saratoga Springs in August of 2013 when Disney issued the
28 GAC and *actually* accommodated E.M. and her family. E.M. paid

1 \$19,000.00 for her Disney Vacation Club timeshare, which she pays
 2 at the rate of \$433.00 per month, including \$300.00 for the loan and
 3 \$133.00 for the annual Disney Vacation Club dues.

4 **WHEREFORE**, Plaintiff J.M., through E.M. as her next friend, parent
 5 and natural guardian, prays that this Court adjudicate this dispute and
 6 enter an Order:

- 7 • Enjoining Defendant to cease the practices which are causing
 8 discrimination against Plaintiff on account of J.M.'s disability; and
- 9 • Enjoining Defendant to reasonably modify its policies, practices,
 10 and procedures to afford Plaintiff with an opportunity to
 11 experience Disney's goods, services, facilities, privileges,
 12 advantages, and accommodations; and
- 13 • Establishing Court-approved remedial measures that Disney must
 14 implement, to prevent Disney from further discriminating against
 15 Plaintiff when they visit the Disney Parks; and
- 16 • Establishing Court-approved requirements for information
 17 dissemination about Disney's remedial measures and modified
 18 policies, to prevent Disney from further deterring Plaintiff from
 19 visiting Disney Parks as a result of anticipated discrimination;
 20 and
- 21 • Establishing a monitoring program to ensure Disney's compliance
 22 with the Court's Orders; and
- 23 • Awarding reasonable attorney's fees as may be determined by the
 24 Court in favor of Plaintiff and against Disney; and
- 25 • Awarding reasonable litigation costs as may be determined by the
 26 Court in favor of Plaintiff and against Disney; and
- 27 • Such other relief as this Court may find just and equitable.

COUNT 19**Negligent Infliction of Emotional Distress*****J.M. v. Disney***

268. Plaintiff J.M. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 244 through 267 above.

269. During one or more visits to the Parks, J.M. suffered an actual meltdown.

270. The symptoms and conditions associated with J.M.'s meltdown constitute a physical injury under Florida law.

271. J.M.'s meltdown in the Parks was proximately caused by Disney's negligent, unlawful, reckless and arbitrary treatment of J.M. during his patronage of Disney's facilities. At all material times, Disney knew J.M. to be vulnerable to emotional injury if treated in such a manner by anyone.

272. J.M.'s meltdown and the treatment which proximately caused J.M. to experience the meltdown caused her grave and extreme mental anguish and emotional trauma, for which Disney should be held accountable.

WHEREFORE, Plaintiff J.M., by and through E.M. as J.M.'s next friend, parent and natural guardian, prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney negligently inflicted emotional distress upon J.M.; and
- Finding such infliction to have caused damages to J.M.; and
- Entering judgment for Plaintiff J.M. in the amount of such damages; and

- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 20

Intentional Infliction of Emotional Distress

J.M. v. Disney

273. Plaintiff J.M. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 244 through 267 above.

274. During one or more visits to the Parks, J.M. suffered an actual meltdown.

275. The symptoms and conditions associated with J.M.'s meltdown constitute a physical injury under Florida law.

276. J.M.'s meltdown in the Parks was proximately caused by Disney's outrageous, unlawful and reckless treatment of J.M. during his patronage of Disney's facilities. At all material times, Disney knew J.M. to be vulnerable to emotional injury if treated in such a manner by anyone.

277. J.M.'s meltdown and the treatment which proximately caused J.M. to experience the meltdown caused her grave and extreme mental anguish and emotional trauma, for which Disney should be held accountable.

WHEREFORE, Plaintiff J.M., by and through E.M. as J.M.'s next friend, parent and natural guardian, prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney intentionally inflicted emotional distress upon J.M.; and
- Finding such infliction to have caused damages to J.M.; and
- Entering judgment for Plaintiff J.M. in the amount of such damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 21

Violation of the Americans with Disabilities Act

42 U.S.C. §§12131, *et seq.*

S.M. v. Disney

278. Plaintiff S.M. incorporates and re-alleges paragraphs 1 through 66, and 68 above.

279. S.M. has autism.

280. S.M. is a person with a disability, as that term is defined in 42 U.S.C. §12102(1).

281. S.M. is six years old and is generally in the care of her mother, E.M., who brings this action as S.M.'s next friend, parent and natural guardian.

282. S.M. and E.M. are residents of Lorain County, Ohio.

283. For many years leading up to October of 2013, from the time S.M. was four or five years old, S.M., E.M. and their family visited the Disney Parks many times, including both Walt Disney World and Disneyland.

1 284. Before Disney's Disability Access Service was released in October
2 2013, S.M. carried the red card associated with the Guest Assistance
3 Card system, and S.M. was admirably accommodated. During those
4 visits, S.M. exhibited a nature and extent of joy that he rarely showed
5 in any other setting. E.M. was always proud and joyful of the
6 opportunity to bring to her beloved son a level of happiness which
7 he rarely showed elsewhere.

8 285. Before October 2013, E.M. visited Disney Parks with S.M. at least five
9 times per year. The Disney experience was equally magical and
10 enjoyable. So much so that E.M. purchased a timeshare at Disney's
11 Vacation Club in August 2013.

12 286. For S.M. and E.M., a typical visit to Disney during the prior GAC
13 system was a delightful adventure. E.M. specifically planned their
14 trips around the special needs of her children. This was easy to do
15 with Disney's prior GAC system. For example, most activities were
16 planned to be completed before 5:00 p.m., when the park would be
17 the busiest, as everyone was rushing to eat. S.M.'s day typically
18 began with his dad on the monorail, which S.M. has been known to
19 ride for up to four straight hours. Upon arrival at one of the Parks,
20 S.M. received the GAC, with no lines and no waiting. E.M. was happy
21 because she felt like she could have a normal vacation without the
22 typical stresses life presents when you are the parent of two
23 cognitively disabled children (E.M.'s daughter, J.M., is also autistic).
24 It was a unique time for E.M. and S.M. to bond as mother and son.

25 287. In October of 2013, Disney rolled out the Disability Access Service
26 and abandoned its prior level of accommodation to S.M. Suddenly,
27 Disney no longer provided individualized attention to persons with
28 cognitive impairments, and the Magic disappeared. For example,

1 now E.M. was required to go to Guest Relations before every visit to
2 Magic Kingdom in order to ask for additional accommodations,
3 pursuant to new DAS policies. Now every “one-time only”
4 accommodation really did have to be repeated every day.

5 288. S.M.’s cognitive impairments manifest themselves in a certain way
6 during his visits to the parks; S.M. is a “repeat rider.” This is a
7 propensity common among autistic persons – a variety of the need
8 for consistency, order and routine. S.M. will experience a particular
9 ride or attraction over and over, for several hours at a time. Disney
10 personnel are very familiar with the repeat rider type of guest, in
11 that they have discussed such guests with E.M. during E.M.’s and
12 S.M.’s visits to the Parks. For example, S.M. loves the Magic Carpet
13 Ride, Big Thunder Mountain Railroad, and Splash Mountain. It is
14 necessary that S.M. rides these rides repeatedly – this is how S.M.
15 must experience the Magic of Magic Kingdom. If he is unable to
16 repeat a ride, such as Big Thunder Mountain Railroad, he will
17 experience a meltdown.

18 289. Due to S.M.’s cognitive impairment, S.M. cannot tolerate long lines or
19 long idle wait times. As is true of any mother of a cognitively
20 disabled child, E.M. has become very familiar with S.M.’s impulsivity
21 and stimming activity, which includes the repetition of words and
22 phrases in conjunction with a rocking motion. She has learned that
23 she must protect S.M. from exactly the experience which Disney
24 insists upon inflicting upon S.M. – idle wait times and inconsistent
25 ride sequences and experiences.

26 290. The family has occasionally tested S.M.’s ability to idly wait in a
27 queue, and his ability to experience attractions and rides in differing
28 orders. In these situations, S.M.’s stimming increases after only a

1 few minutes, at which time he begins to repeat "I want to go now!"
2 while rocking or spinning in a circle with both hands, after which a
3 meltdown will ensue if left in that situation. After a meltdown, S.M.
4 emotionally shuts down, retreats completely inward, and requires
5 hours to return to a any semblance of a calm and peaceful state.

6 291. The family's first visit during the DAS card period occurred
7 November 11, 2013. Immediately upon arriving at Magic Kingdom,
8 E.M. went to Guest Relations. She began explaining the special needs
9 of both of her children. Upon mentioning that her children may also
10 "need a wheelchair," the employee put his hand in her face and said
11 they "did not need the disability pass." E.M. took her children and
12 left immediately, feeling insulted and disturbed by the treatment she
13 had received from the Disney employee.

14 292. After this experience during the November 2013 trip, E.M. did not
15 return to the Walt Disney World Parks. Instead of being subjected to
16 further discrimination, they returned to their hometown in Ohio.

17 293. Previously, E.M. was planning another visit to Walt Disney World at
18 the end of December 2013. Once E.M. returned home to Ohio, she
19 contacted Disney by telephone and email to describe the treatment
20 she received and to ensure they would be properly accommodated
21 during their return visit in December.

22 294. Justin Patterson of Walt Disney World Resort's Guest Experience
23 Services replied on December 7, 2013, and assured E.M. that
24 "accommodations can be made by visiting any of our four Theme
25 Park Guest Relations locations. Unfortunately, we are not able to
26 prearrange any accommodations before your visit." However, on
27 December 13, 2013, the same Justin Patterson of Walt Disney World
28 Resort's Guest Experience services emailed E.M. stating "Our

1 commitment to ensuring our Guests with special needs have a great
2 experience is a top priority. I would like to also reassure you we will
3 take care of you and your family's specific needs...Our Cast Members
4 will be happy to assist you and discuss your individual situation."

5 295. Patterson's communications reflect Disney company policy: Disney
6 will not tell a guest how he or she might be accommodated until the
7 guest actually arrives at one of the Parks. Disney knows this policy
8 prevents families from knowing, until after they have committed
9 thousands of dollars and traveled hundreds or thousands of miles,
10 how or whether they will be accommodated. Disney knows this
11 policy will deter families from bringing their "invisible disabilities"
12 into the Parks.

13 296. On this occasion, E.M. was not deterred; she returned to Walt Disney
14 World with her children from December 25, 2013 to January 3, 2014.
15 Again, upon arrival at Magic Kingdom, E.M. went to Guest Relations
16 and explained her children's special needs; an intolerance for idle
17 wait times. While E.M. received a Disability Access Service card for
18 J.M. and three Fast Passes, Guest Relations had no knowledge of any
19 pre-arranged accommodations, as Justin Patterson indicated. As it
20 turned out, their file only stated "accommodate if needed."

21 297. E.M. had to pay for their babysitter to accompany her during this
22 visit, to assist her with her children. The experience lacked the
23 Magic of prior Disney trips, as E.M. and the babysitter spent their
24 time running around Magic Kingdom arranging for wait times for
25 E.M.'s children. This need to chart all activities in advance – not in
26 advance of the trip, but only in advance of particular attractions,
27 because Disney policy does not permit disabled persons to plan in
28 advance of a trip – left J.M. unable to experience the park in a

1 tolerable sequence. The same is also true for E.M.'s other child, who
2 also has cognitive impairments. Put simply, the trip was a
3 nightmare.

4 298. During their December 2013 visit and since the implementation of
5 the DAS system, E.M. noticed a markedly different Disney experience
6 and discriminatory attitude directed at her children. Disney
7 employees repeatedly referred to E.M. and her children as "you
8 people." One employee actually told E.M. they had to use "special
9 pens to write down times for *you people*." For E.M. and her children,
10 the "Magic" was missing from their Disney experience. It had been
11 instead replaced with a campaign of discrimination and overall un-
12 accommodation.

13 299. S.M., more self-aware than many autistic children, suffered
14 astonishing mental anguish, emotional trauma, humiliation and
15 embarrassment as a result of Disney's discrimination against him
16 and Disney's treatment of him. E.M. also suffered tragic mental pain
17 and suffering and humiliation and embarrassment as a result of
18 Disney's discrimination against S.M.

19 300. While E.M. has been back to Disney Parks with S.M. since their un-
20 magical experience in December 2013, the frequency is tapering.
21 E.M. and her family would visit the Parks more often, as before, had
22 Disney not abandoned its past policy of accommodating the special
23 needs of persons with cognitive impairments. Their interest in
24 attending Disney Parks is substantially reduced. Disney was once a
25 loved one, in S.M.'s eyes; as his mother, E.M. must protect S.M. from
26 the confusing, hurtful and destructive experience of suffering
27 discrimination at the hands of a former loved one.
28

301. Despite this hesitancy, E.M. feels compelled to return to Walt Disney World Parks with J.M. because E.M. purchased a Disney Vacation Club at Saratoga Springs in August of 2013 when Disney issued the GAC and *actually* accommodated E.M. and her family. E.M. paid \$19,000.00 for her Disney Vacation Club timeshare, which she pays at the rate of \$433.00 per month, including \$300.00 for the loan and \$133.00 for the annual Disney Vacation Club dues.

WHEREFORE, Plaintiff S.M., through E.M. as his next friend, parent and natural guardian, prays that this Court adjudicate this dispute and enter an Order:

- Enjoining Defendant to cease the practices which are causing discrimination against Plaintiff on account of S.M. 's disability; and
- Enjoining Defendant to reasonably modify its policies, practices, and procedures to afford Plaintiff with an opportunity to experience Disney's goods, services, facilities, privileges, advantages, and accommodations; and
- Establishing Court-approved remedial measures that Disney must implement, to prevent Disney from further discriminating against Plaintiff when they visit the Disney Parks; and
- Establishing Court-approved requirements for information dissemination about Disney's remedial measures and modified policies, to prevent Disney from further deterring Plaintiff from visiting Disney Parks as a result of anticipated discrimination; and
- Establishing a monitoring program to ensure Disney's compliance with the Court's Orders; and

- Awarding reasonable attorney's fees as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Such other relief as this Court may find just and equitable.

COUNT 22

Negligent Infliction of Emotional Distress

S.M. v. Disney

302. Plaintiff S.M. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 279 through 301 above.

303. During one or more visits to the Parks, S.M. suffered an actual meltdown.

304. The symptoms and conditions associated with S.M.'s meltdown constitute a physical injury under Florida law.

305. S.M.'s meltdown in the Parks was proximately caused by Disney's negligent, unlawful, reckless and arbitrary treatment of S.M. during his patronage of Disney's facilities. At all material times, Disney knew S.M. to be vulnerable to emotional injury if treated in such a manner by anyone.

306. S.M.'s meltdown and the treatment which proximately caused S.M. to experience the meltdown caused him grave and extreme mental anguish and emotional trauma, for which Disney should be held accountable.

WHEREFORE, Plaintiff S.M., by and through E.M. as S.M.'s next friend, parent and natural guardian, prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney negligently inflicted emotional distress upon S.M.; and
- Finding such infliction to have caused damages to S.M.; and
- Entering judgment for Plaintiff S.M. in the amount of such damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 23

Intentional Infliction of Emotional Distress

S.M. v. Disney

307. Plaintiff S.M. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 279 through 301 above.

308. During one or more visits to the Parks, S.M. suffered an actual meltdown.

309. The symptoms and conditions associated with S.M.'s meltdown constitute a physical injury under Florida law.

310. S.M.'s meltdown in the Parks was proximately caused by Disney's outrageous, unlawful and reckless treatment of S.M. during his patronage of Disney's facilities. At all material times, Disney knew S.M. to be vulnerable to emotional injury if treated in such a manner by anyone.

311. S.M.'s meltdown and the treatment which proximately caused S.M. to experience the meltdown caused him grave and extreme mental

1 anguish and emotional trauma, for which Disney should be held
2 accountable.

3 **WHEREFORE**, Plaintiff S.M., by and through E.M. as S.M.'s next
4 friend, parent and natural guardian, prays that this Court adjudicate this
5 dispute and enter an Order:

- 6 • Finding that Disney intentionally inflicted emotional distress
7 upon S.M.; and
- 8 • Finding such infliction to have caused damages to S.M.; and
- 9 • Entering judgment for Plaintiff S.M. in the amount of such
10 damages; and
- 11 • Awarding reasonable litigation costs as may be determined by the
12 Court in favor of Plaintiff and against Disney; and
- 13 • Awarding prejudgment interest; and
- 14 • Such other relief as this Court may find just and equitable.

15 **COUNT 24**

16 **Breach of Contract**

17 ***E.M. v. Disney***

18
19 312. Plaintiff E.M. incorporates and re-alleges the allegations of
20 paragraphs 1 through 66, 244 through 267, and 279 through 301
21 above.

22 313. E.M., through E.M.'s acquisition of Disney tickets for E.M. and her
23 family, entered into a contract through which Disney promised to
24 provide a reasonable and enjoyable amusement park experience,
25 and one which complies with applicable law.

26 314. Disney failed or refused to provide the promised experience, and is
27 in breach of contract.
28

315. E.M. incurred monetary costs in purchasing tickets to the Parks for trips that were entirely wasted, and incurred other expenses during the wasted trips to the Parks. Plaintiff is damaged by Disney's breach of contract.

WHEREFORE, Plaintiff E.M. prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney breached its contract with E.M.; and
- Entering judgment for Plaintiff E.M. in the amount of her economic monetary damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 25

Negligent Infliction of Emotional Distress

E.M. v. Disney

316. Plaintiff E.M. incorporates and re-alleges the allegations of paragraphs 1 through 66, 244 through 267, and 279 through 301 above.

317. During one or more visits to the Parks, E.M.'s daughter J.M. and her son S.M. each suffered an actual meltdown while in E.M.'s presence.

318. The symptoms and conditions associated with J.M. and S.M.'s meltdowns constitute physical injuries to J.M. and S.M. under Florida law.

319. J.M. and S.M.'s meltdowns in the Parks were proximately caused by Disney's negligent, unlawful, reckless and arbitrary treatment of J.M.

1 and S.M. during their patronage of Disney's facilities. At all material
2 times, Disney knew J.M. and S.M. to be vulnerable to emotional injury
3 if treated in such a manner by anyone.

4 320. E.M. directly observed the stressors leading up to the meltdowns,
5 J.M. and S.M.'s resulting escalation, and the meltdowns. Particularly
6 in light of her trust and confidence that Disney would comply with
7 applicable law and act in a gracious and caring manner toward her
8 daughter and son, E.M. could do nothing reasonable to prevent the
9 meltdowns.

10 321. E.M.'s observation of J.M. and S.M.'s meltdowns and of the
11 outrageous conduct and treatment which proximately caused J.M.
12 and S.M. to experience the meltdowns caused E.M. grave and
13 extreme mental anguish and emotional trauma, for which Disney
14 should be held accountable.

15 **WHEREFORE**, Plaintiff E.M. prays that this Court adjudicate this
16 dispute and enter an Order:

- 17 • Finding that Disney negligently inflicted emotional distress upon
18 E.M.; and
 - 19 • Finding such infliction to have caused damages to E.M.; and
 - 20 • Entering judgment for Plaintiff E.M. in the amount of such
21 damages; and
 - 22 • Awarding reasonable litigation costs as may be determined by the
23 Court in favor of Plaintiff and against Disney; and
 - 24 • Awarding prejudgment interest; and
 - 25 • Such other relief as this Court may find just and equitable.
- 26
27
28

COUNT 26**Intentional Infliction of Emotional Distress*****E.M. v. Disney***

322. Plaintiff E.M. incorporates and re-alleges the allegations of paragraphs 1 through 66, 244 through 267, and 279 through 301 above.

323. During one or more visits to the Parks, E.M.'s daughter J.M. and her son S.M. each suffered an actual meltdown.

324. The symptoms and conditions associated with J.M. and S.M.'s meltdowns constitute physical injuries under Florida law.

325. J.M. and S.M.'s meltdown in the Parks were proximately caused by Disney's outrageous, unlawful and reckless treatment of J.M. and S.M. during their patronage of Disney's facilities. At all material times, Disney knew J.M. and S.M. to be vulnerable to emotional injury if treated in such a manner by anyone.

326. E.M. directly observed the stressors leading up to the meltdowns, J.M. and S.M.'s resulting escalation, and the meltdowns. Particularly in light of her trust and confidence that Disney would comply with applicable law and act in a gracious and caring manner toward her daughter and son, E.M. could do nothing reasonable to prevent the meltdowns.

327. E.M.'s observation of J.M. and S.M.'s meltdowns and of the outrageous conduct and treatment which proximately caused J.M. and S.M. to experience the meltdowns caused E.M. grave and extreme mental anguish and emotional trauma, for which Disney should be held accountable.

1 **WHEREFORE**, Plaintiff E.M. prays that this Court adjudicate this
2 dispute and enter an Order:

- 3 • Finding that Disney intentionally inflicted emotional distress
- 4 upon E.M.; and
- 5 • Finding such infliction to have caused damages to E.M.; and
- 6 • Entering judgment for Plaintiff E.M. in the amount of such
- 7 damages; and
- 8 • Awarding reasonable litigation costs as may be determined by the
- 9 Court in favor of Plaintiff and against Disney; and
- 10 • Awarding prejudgment interest; and
- 11 • Such other relief as this Court may find just and equitable.

12
13 **COUNT 27**

14 **Violation of the Americans with Disabilities Act**

15 **42 U.S.C. §§12131, *et seq.***

16 ***J.K. v. Disney***

17 328. Plaintiff J.K. incorporates and re-alleges paragraphs 1 through 66,
18 and 68 above.

19 329. J.K. has autism. He is nonverbal, confined to an adaptive stroller in
20 public for issues of containment, and has issues with elopement.

21 330. J.K. is a person with a disability, as that term is defined in 42 U.S.C.
22 §12102(1).

23 331. J.K. is 12 years of age and is generally in the care of his mother, R.K.,
24 who brings this action as J.K.'s next friend, parent, and natural
25 guardian.

26 332. J.K. and R.K. are residents of Prince William County, Virginia.

27 333. J.K. first visited Magic Kingdom in March 2006 when he was four
28 years old. The experience was a magical one. After the first visit, J.K.

1 and his mother have returned to Walt Disney World on multiple
2 occasions.

3 334. Before Disney's Disability Access Service was released in October,
4 2013, S.M. carried the red card associated with the Guest Assistance
5 Card service, and he was admirably accommodated. During those
6 visits, J.K. exhibited a nature and extent of joy that he rarely showed
7 in any other setting. R.K. was always proud and joyful of the
8 opportunity to bring to her beloved son a level of happiness which
9 he rarely showed elsewhere.

10 335. During those visits, R.K. was enamored by the way Disney employees
11 accommodated J.K., making him feel exceptional and accepted.
12 Disney had strong mechanisms in place to ensure J.K. and R.K. were
13 accommodated in an expedient manner. The Guest Assistance Card
14 made wait times manageable for J.K.

15 336. The Guest Assistance Card and program also allowed R.K. to predict
16 the accommodations which would be afforded to J.K. She could
17 confidently commit the family's resources to a planned vacation to
18 the Parks. For J.K. and R.K., before the DAS system, a large part of
19 the Magic was the accommodation itself. J.K. was always treated with
20 care and respect, and was not subjected to discrimination.

21 337. Before October 2013, a typical visit to Walt Disney World Parks for
22 J.K. and R.K. was a magical experience. Upon arriving at Guest
23 Relations at Magic Kingdom, J.K. received the Guest Assistance Card,
24 without an extended wait and without having his picture taken.
25 After entering Magic Kingdom, wait times were reasonable and J.K.
26 was never stigmatized. J.K. and R.K. traveled the parks at a pace
27 comfortable to J.K.
28

1 338. After receiving the Guest Assistance Card at Guest Relations, J.K.'s
2 day typically began in Fantasyland and always ended with a visit to
3 Tomorrowland Speedway and The Many Adventures of Winnie the
4 Pooh. J.K. and R.K. typically enjoyed the Parks for an entire day,
5 enjoying their time to bond as mother and son.

6 339. As is common among autistic persons, J.K. has no concept of time,
7 including past or future. J.K. is incapable of understanding the idea
8 of waiting for something, or delayed gratification, two important
9 requirements for surviving a Disney queue.

10 340. When J.K. encounters too much stimulation, he exhibits a stimming
11 pattern which includes flapping his hands, squealing, trying to
12 escape, and grabbing persons nearby. When J.K. is over-stimulated,
13 he is prone to run off, or elope. For these reasons, J.K. wears a
14 Project Lifesaver Protect and Locate or LoJack-type device at all
15 times, and R.K. often enhances the accommodation afforded J.K. in
16 crowds or public places by placing him in an adaptive stroller. If J.K.
17 reaches the point of meltdown, he will begin screaming, crying, and
18 slapping himself in the face while running around. Recovery usually
19 requires an extended period of silence and solitude for J.K.

20 341. J.K.'s cognitive impairments manifest themselves in a certain way
21 during his visits to the Parks. J.K. is incapable of deviating from
22 riding specific rides such as Tomorrowland Speedway or The Many
23 Adventures of Winnie the Pooh. The propensity to over-stimulate is
24 aggravated by being placed among a large group of people in a small
25 space.

26 342. Like most parents of autistic children, R.K. knows her child's
27 stimming, tics, and tendencies. She knows the stimuli that are likely
28 to overwhelm him. And she does not permit these stimuli to

1 overwhelm him – no parent will permit a child to experience a
2 meltdown if it can be avoided.

3 343. R.K. learned about Disney's plan to implement the DAS shortly
4 before the DAS was rolled out. To gain more information and to
5 cooperate with Disney's anticipated efforts to accommodate J.K.'s
6 special needs, R.K. sent an email to a number of Disney executives on
7 September 30, 2013. She explained J.K.'s disability and how Disney's
8 planned DAS system would not accommodate him and likely ruin the
9 Disney experience for J.K. and other disabled guests. She begged
10 executives to reconsider the elimination and replacement of the
11 Guest Assistance Card system because of the impact it would have on
12 the autistic community as a whole.

13 344. R.K. received a response on October 3, 2013 which merely
14 acknowledged R.K.'s email without any further indication that
15 Disney was taking her concerns seriously. To this date she has
16 received no explanation for Disney's abandonment of its prior policy
17 of accommodating persons with cognitive impairments.

18 345. After Disney released the DAS on October 9, 2013, R.K. continued to
19 learn more about the DAS as other persons in the autism community
20 visited the Parks and made their awful experiences and their disdain
21 for the new system known. R.K. reasonably decided to cancel her
22 family's planned trip to Walt Disney World, which was to occur in
23 July 2014. The DAS continues to deter R.K. and J.K. from returning to
24 Walt Disney World, because R.K. knows the DAS will cause J.K.'s
25 stimming and elopement behaviors to increase. The entire trip
26 would consist exclusively of a constant effort to short-circuit
27 meltdowns before they occur.
28

1 346. J.K. and R.K. have not visited the Parks since October of 2013. R.K.
 2 knows they should avoid attending the Parks in the future due to the
 3 expectation that the experience will likely be an un-accommodating
 4 one and due especially to the risk that the experience will be
 5 destructive for J.K.

6 347. Despite this deep parental fear, R.K. is conflicted because she knows
 7 J.K. has adored Disney since he first saw Cinderella's Castle, and the
 8 adoration never abated during the time Disney, through its Guest
 9 Assistance Card system, actually accommodated persons with
 10 cognitive impairments. She has seen J.K. regularly spend hours in
 11 his bedroom, staring at maps of Walt Disney World and studying
 12 YouTube videos of Disney's California Adventure. J.K.'s love of
 13 Disney is so strong, his greatest wish is to visit Disneyland and
 14 finally see Mickey's Fun Wheel in California. R.K. knows she cannot
 15 take him there because she knows J.K. will be discriminated against,
 16 just as is the case at Walt Disney World.

17 **WHEREFORE**, Plaintiff J.K., by and through R.K. as his next friend,
 18 parent and natural guardian, prays that this Court adjudicate this dispute
 19 and enter an Order:

- 20 • Enjoining Defendant to cease the practices which are causing
 21 discrimination against Plaintiff on account of J.K.'s disability; and
- 22 • Enjoining Defendant to reasonably modify its policies, practices,
 23 and procedures to afford Plaintiff with an opportunity to
 24 experience Disney's goods, services, facilities, privileges,
 25 advantages, and accommodations; and
- 26 • Establishing Court-approved remedial measures that Disney must
 27 implement, to prevent Disney from further discriminating against
 28 Plaintiff when they visit the Disney Parks; and

- Establishing Court-approved requirements for information dissemination about Disney's remedial measures and modified policies, to prevent Disney from further deterring Plaintiff from visiting Disney Parks as a result of anticipated discrimination; and
- Establishing a monitoring program to ensure Disney's compliance with the Court's Orders; and
- Awarding reasonable attorney's fees as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Such other relief as this Court may find just and equitable.

COUNT 28

Violation of the Americans with Disabilities Act

42 U.S.C. §§12131, *et seq.*

D.M. v. Disney

348. Plaintiff D.M. incorporates and re-alleges paragraphs 1 through 66, and 68 above.

349. D.M. has autism. He is non-verbal and communicates by typing on an iPad.

350. D.M. is a person with a disability, as that term is defined in 42 U.S.C. §12102(1).

351. D.M. is 14 years of age and is generally in the care of his mother, C.M, who brings this action as D.M.'s next friend, parent and natural guardian.

352. D.M. and C.M. are residents of Polk County, Florida.

1 353. Year after year, D.M., and C.M., visited the Disney Parks, averaging
2 approximately five visits per year. During those visits, D.M.
3 exhibited a nature and extent of joy that he rarely showed in any
4 other setting. C.M. was always proud and joyful of the opportunity
5 to bring to her beloved child a level of happiness which he rarely
6 showed elsewhere. C.M. was enamored with the way Disney
7 employees interacted with D.M., consistently making him feel
8 exceptional and accepted.

9 354. Because of these fond memories, D.M. and C.M. became annual
10 passholders of Disney Park(s).

11 355. Since D.M. was a toddler, his cognitive impairments have manifested
12 themselves in a certain way during his visits to the parks; D.M. is
13 "repeat rider." This is a propensity common among autistic persons
14 – a variety of the need for consistency, order and routine. D.M. will
15 experience a particular ride or attraction over and over, such as The
16 Seas with Nemo and Friends, for several hours at a time. Disney
17 personnel are very familiar with the repeat rider type of guest.

18 356. D.M. is also incapable of idle waits which last longer than a few
19 minutes. A significant time spent idly waiting is a stressor which
20 will create escalation toward a meltdown. D.M.'s meltdowns include
21 the infliction of injury upon himself. D.M.'s meltdowns can be quite
22 severe, as he will throw himself on the ground, bite, and/or hit. As
23 one form of protection against harm from this behavior, D.M. wears
24 padded football pants under his regular clothes to lessen the blows.

25 357. To enhance the accommodation provided by Disney and provide
26 further protection against stressors which might escalate D.M.
27 toward a meltdown and against the consequences of a potential
28

1 meltdown, C.M. customarily incurs the expense of a therapist who
2 accompanies them at the Parks.

3 358. Like most autistic persons, D.M. cannot understand the concept of
4 arriving at a ride and being turned away and invited to return at a
5 later time. As a result, the aspect of Disney's DAS is a stressor which
6 escalates D.M.'s stimming behaviors and increases the risk of
7 meltdowns.

8 359. On September 25, 2014, C.M. wrote an email to Disney explaining the
9 hardship which the then-anticipated DAS would cause for D.M. and
10 her. Disney failed to modify the policy to meet D.M.'s needs and the
11 needs of others like him. Instead, even with notice of how the DAS
12 would affect D.M., Disney launched the DAS anyway.

13 360. On October 8, 2013, the day before the release of the DAS system,
14 C.M. and D.M. went to enjoy the Disney Parks.

15 361. On that day, a Disney employee told them they could expect the new
16 system to provide five fast passes for immediate access. On that last
17 day of the Guest Assistance Card system, D.M. carried his red GAC
18 and was admirably accommodated. Especially during that visit, D.M.
19 exhibited a level of pure happiness which was exhilarating.

20 362. However, upon returning to the Disney Parks in January 2014, after
21 Disney released the DAS, C.M. was told that D.M. was not in their
22 system and they were not given Fast Passes as Disney had
23 previously represented would be available to them.

24 363. D.M. experienced several more meltdowns at the Disney Parks that
25 day, considerably more than was ever the case under the GAC.
26 These meltdowns included injuring himself, jumping up in the air
27 and throwing himself down onto the ground.
28

1 364. As a result of the Disney's failure to provide reasonable
 2 accommodations to D.M. under the new DAS, accommodations that
 3 would allow D.M. to have an equally good time as a nondisabled
 4 person at the Disney Parks, C.M did not renew her family's annual
 5 passes.

6 365. C.M. contacted Disney about her experience in January 2014.
 7 Notwithstanding Disney's highly sophisticated knowledge of the
 8 needs of persons with cognitive impairments, and notwithstanding
 9 Disney's historic ability to accommodate D.M.'s special needs, Disney
 10 personnel now offered bizarre and preposterous responses to C.M.'s
 11 communications. When explaining to Disney employees how the old
 12 system worked for her son and how the new one does not, Disney
 13 employees voiced absurdities to C.M., as well as ridiculously
 14 inapplicable truisms, about Disney's systems, or D.M.'s condition, or
 15 D.M.'s special needs:

- 16 • "You were not using it correctly;"
- 17 • "That's not what the pass was originally for;"
- 18 • "You were never supposed to have unlimited access;"
- 19 • "You will never have unlimited access again;"
- 20 • "We have to be fair to our other guests;"
- 21 • "The average guest only gets to ride . . ."

22 366. The assertion that C.M. was not using Disney's accommodations as
 23 intended, or that she was using them to achieve some advantage they
 24 were not designed to provide, was and is offensive. C.M. never
 25 requested unlimited access to anything, or that other guests be treated
 26 unfairly.

27 367. Notwithstanding these and further efforts by C.M., Disney has shown no
 28 willingness or desire to improve the experience for guests like D.M.

1 368. C.M. incurred monetary costs in purchasing annual passes to the Parks,
2 and incurred wasted expenses during wasted trips to the Parks,
3 including but not limited to additional fees for D.M.'s therapist, who
4 accompanied them during each Park visit.

5 369. D.M. and C.M. have already visited the Parks considerably less
6 frequently than they intended when they purchased the annual pass, a
7 situation which continues to this day. Their interest in attending
8 Disney Parks is substantially diminished, because C.M. knows the DAS
9 will result in discrimination against D.M. and will create stressors
10 which will escalate him toward meltdown behaviors.

11 **WHEREFORE**, Plaintiff D.M., by and through C.M. as next friend, parent
12 and natural guardian, prays that this Court adjudicate this dispute and
13 enter an Order:

- 14 • Enjoining Defendant to cease the practices which are causing
15 discrimination against Plaintiff on account of D.M.'s disability; and
- 16 • Enjoining Defendant to reasonably modify its policies, practices, and
17 procedures to afford Plaintiff with an opportunity to experience
18 Disney's goods, services, facilities, privileges, advantages, and
19 accommodations; and
- 20 • Establishing Court-approved remedial measures that Disney must
21 implement, to prevent Disney from further discriminating against
22 Plaintiff when they visit the Disney Parks; and
- 23 • Establishing Court-approved requirements for information
24 dissemination about Disney's remedial measures and modified
25 policies, to prevent Disney from further deterring Plaintiff from
26 visiting Disney Parks as a result of anticipated discrimination; and
- 27 • Establishing a monitoring program to ensure Disney's compliance
28 with the Court's Orders; and

- Awarding reasonable attorney's fees as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Such other relief as this Court may find just and equitable.

COUNT 29

Negligent Infliction of Emotional Distress

D.M. v. Disney

370. Plaintiff D.M. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 349 through 369 above.

371. During one or more visits to the Parks, D.M. suffered an actual meltdown.

372. The symptoms and conditions associated with D.M.'s meltdown constitute a physical injury under Florida law.

373. D.M.'s meltdown in the Parks was proximately caused by Disney's negligent, unlawful, reckless and arbitrary treatment of D.M. during his patronage of Disney's facilities. At all material times, Disney knew D.M. to be vulnerable to emotional injury if treated in such a manner by anyone.

374. D.M.'s meltdown and the treatment which proximately caused D.M. to experience the meltdown caused him grave and extreme mental anguish and emotional trauma, for which Disney should be held accountable.

WHEREFORE, Plaintiff D.M., by and through C.M. as D.M.'s next friend, parent and natural guardian, prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney negligently inflicted emotional distress upon D.M.; and
- Finding such infliction to have caused damages to D.M.; and
- Entering judgment for Plaintiff D.M. in the amount of such damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 30

Intentional Infliction of Emotional Distress

D.M. v. Disney

375. Plaintiff D.M. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 349 through 369 above.

376. During one or more visits to the Parks, D.M. suffered an actual meltdown.

377. The symptoms and conditions associated with D.M.'s meltdown constitute a physical injury under Florida law.

378. D.M.'s meltdown in the Parks was proximately caused by Disney's outrageous, unlawful and reckless treatment of D.M. during his patronage of Disney's facilities. At all material times, Disney knew D.M. to be vulnerable to emotional injury if treated in such a manner by anyone.

379. D.M.'s meltdown and the treatment which proximately caused D.M. to experience the meltdown caused him grave and extreme mental

1 anguish and emotional trauma, for which Disney should be held
2 accountable.

3 **WHEREFORE**, Plaintiff D.M., by and through C.M. as D.M.'s next
4 friend, parent and natural guardian, prays that this Court adjudicate this
5 dispute and enter an Order:

- 6 • Finding that Disney intentionally inflicted emotional distress
7 upon D.M.; and
- 8 • Finding such infliction to have caused damages to D.M.; and
- 9 • Entering judgment for Plaintiff D.M. in the amount of such
10 damages; and
- 11 • Awarding reasonable litigation costs as may be determined by the
12 Court in favor of Plaintiff and against Disney; and
- 13 • Awarding prejudgment interest; and
- 14 • Such other relief as this Court may find just and equitable.

15 **COUNT 31**

16 **Breach of Contract**

17 ***C.M. v. Disney***

18 380. Plaintiff C.M. incorporates and re-alleges the allegations of paragraphs
19 1 through 66, and 349 through 369 above.

20 25. C.M., through C.M.'s acquisition of Disney annual passes for C.M. and
21 her family, entered into a contract through which Disney promised
22 to provide a reasonable and enjoyable amusement park experience,
23 and one which complies with applicable law.

24 26. Disney failed or refused to provide the promised experience, and is
25 in breach of contract.

26 27. C.M. incurred monetary costs in purchasing annual passes to the
27 Parks for trips that were entirely wasted, and incurred other
28

1 expenses during the wasted trips to the Parks. Plaintiff is damaged
2 by Disney's breach of contract.

3 **WHEREFORE**, Plaintiff C.M. prays that this Court adjudicate this
4 dispute and enter an Order:

- 5 • Finding that Disney breached its contract with C.M.; and
- 6 • Entering judgment for Plaintiff C.M. in the amount of her economic
7 monetary damages; and
- 8 • Awarding reasonable litigation costs as may be determined by the
9 Court in favor of Plaintiff and against Disney; and
- 10 • Awarding prejudgment interest; and
- 11 • Such other relief as this Court may find just and equitable.

12
13 **COUNT 32**

14 **Negligent Infliction of Emotional Distress**

15 ***C.M. v. Disney***

16
17 381. Plaintiff C.M. incorporates and re-alleges the allegations of
18 paragraphs 1 through 66, and 349 through 369 above.

19 382. During one or more visits to the Parks, C.M.'s beloved son D.M.
20 suffered an actual meltdown while in C.M.'s presence.

21 383. The symptoms and conditions associated with D.M.'s meltdown
22 constitute a physical injury to D.M. under Florida law.

23 384. D.M.'s meltdown in the Parks was proximately caused by Disney's
24 negligent, unlawful, reckless and arbitrary treatment of D.M. during
25 his patronage of Disney's facilities. At all material times, Disney
26 knew D.M. to be vulnerable to emotional injury if treated in such a
27 manner by anyone.
28

385. C.M. directly observed the stressors leading up to the meltdown, D.M.'s resulting escalation and his meltdown. Particularly in light of her trust and confidence that Disney would comply with applicable law and act in a gracious and caring manner toward her son, C.M. could do nothing reasonable to prevent the meltdown.

386. C.M.'s observation of D.M.'s meltdown and of the outrageous conduct and treatment which proximately caused D.M. to experience the meltdown caused C.M. grave and extreme mental anguish and emotional trauma, for which Disney should be held accountable.

WHEREFORE, Plaintiff C.M. prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney negligently inflicted emotional distress upon C.M.; and
- Finding such infliction to have caused damages to C.M.; and
- Entering judgment for Plaintiff C.M. in the amount of such damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 33

Intentional Infliction of Emotional Distress

C.M. v. Disney

387. Plaintiff C.M. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 349 through 369 above.

1 388. During one or more visits to the Parks, C.M.'s beloved son D.M.
2 suffered an actual meltdown.

3 389. The symptoms and conditions associated with D.M.'s meltdown
4 constitute a physical injury under Florida law.

5 390. D.M.'s meltdown in the Parks was proximately caused by Disney's
6 outrageous, unlawful and reckless treatment of D.M. during his
7 patronage of Disney's facilities. At all material times, Disney knew
8 D.M. to be vulnerable to emotional injury if treated in such a manner
9 by anyone.

10 391. C.M. directly observed the stressors leading up to the meltdown,
11 D.M.'s resulting escalation and his meltdown. Particularly in light of
12 her trust and confidence that Disney would comply with applicable
13 law and act in a gracious and caring manner toward her son, C.M.
14 could do nothing reasonable to prevent the meltdown.

15 392. C.M.'s observation of D.M.'s meltdown and of the outrageous conduct
16 and treatment which proximately caused D.M. to experience the
17 meltdown caused C.M. grave and extreme mental anguish and
18 emotional trauma, for which Disney should be held accountable.

19 **WHEREFORE**, Plaintiff C.M. prays that this Court adjudicate this
20 dispute and enter an Order:

- 21 • Finding that Disney intentionally inflicted emotional distress
22 upon C.M.; and
- 23 • Finding such infliction to have caused damages to C.M.; and
- 24 • Entering judgment for Plaintiff C.M. in the amount of such
25 damages; and
- 26 • Awarding reasonable litigation costs as may be determined by the
27 Court in favor of Plaintiff and against Disney; and
- 28 • Awarding prejudgment interest; and

- Such other relief as this Court may find just and equitable.

COUNT 34

Violation of the Americans with Disabilities Act

42 U.S.C. §§12131, *et seq.*

J.C. v. Disney

393. Plaintiff J.C. incorporates and re-alleges paragraphs 1 through 66, and 68 above.

394. J.C. has autism.

395. J.C. is a person with a disability, as that term is defined in 42 U.S.C. §12102(1).

396. J.C. is seven years old and is generally in the care of his mother, L.C., who brings this action as J.C.'s next friend, parent and natural guardian.

397. J.C. and L.C. are residents of Polk County, Florida.

398. L.C. and her family have been Disney passholders for about 20 years. For about the first half of this time they lived in the Boston area; about a decade ago they moved to Central Florida for two principal reasons – to be closer to certain family members, and to be closer to the Disney Parks.

399. L.C. and J.C. and their family have always attended the Disney Parks with great frequency. They are especially active in the Disney Star Wars events and weekends activities. J.C. has been visiting the Parks at Walt Disney World for many years, since he was an infant, and the Disney experience, at least in its pre-October 2013 form, has been a large part of his life. J.C.'s first spoken word was "monorail."

1 400. Year after year, J.C. and L.C. and their family frequently visited the
2 Parks, averaging approximately five visits per year. During those
3 visits, J.C. exhibited a nature and extent of joy that he rarely showed
4 in any other setting. L.C. was always proud and joyful of the
5 opportunity to bring to her beloved child a level of happiness which
6 he rarely showed elsewhere. L.C. was touched by the way Disney
7 employees interacted with J.C., consistently making him feel
8 exceptional and accepted.

9 401. When J.C. was four or five years old, a Disney employee told L.C. and
10 her husband about a special pass which was available to J.C., so that
11 J.C. could avoid the waits, idle time, and the crowds of Disney's
12 queues.

13 402. Thereafter, for the few years leading up to October of 2013, the
14 family simply reported to City Hall, told the Disney employee that
15 J.C. is autistic and could not tolerate idle waits or lines, and promptly
16 obtained a pass, the Guest Assistance Card, with no questions or
17 hassle.

18 403. During that time, L.C. routinely brought along documentation to
19 demonstrate J.C.'s formal diagnosis. When offered, the Disney
20 employee simply advised that the documentation was not necessary;
21 the employee did not need to see it.

22 404. In advance of their first visit after October 9, 2013, L.C. and her
23 family learned about Disney's new program. Internet sites showed
24 widespread disdain for Disney's changes. Since that date, the family
25 has visited Walt Disney World a few times, but much less frequently
26 than they would have had Disney not abandoned its prior practice of
27 caringly accommodating the needs of persons with cognitive
28 impairments. J.C. and his family previously visited the Parks more

1 than weekly, likely twice per week. Such frequency is no more, and
2 will decline, if Disney's intolerance for cognitive impairments does
3 not change.

4 405. Several Disney employees have told L.C. and her husband that the
5 Disney employees themselves are displeased with Disney's
6 newfound intolerance for cognitive impairments.

7 406. Since the DAS was rolled out, the Disney employees have a new
8 approach to any offered evidence of autism. Instead of courteously
9 declining to consider it because doing so is deemed unnecessary,
10 they now advise that they are instructed not to review it; that they
11 are prohibited from reviewing it.

12 407. Unwilling to discuss J.C.'s needs, Disney refuses to reasonably
13 modify its DAS to accommodate J.C.

14 408. J.C. exhibits many of the same traits as other autistic children, with a
15 few less common conditions as well. Because J.C. cannot tolerate
16 loud, unexpected noises, he wears headphones to block them out.
17 He is also extremely destabilized by crowds. If J.C. were to visit a
18 ride and not ride it, J.C. would not cause harm, but he would likely
19 cause disruption or disturbance to those in the immediate vicinity.

20 409. Prior to October 9, 2013, J.C. and his family could keep moving
21 through the Parks toward clear visible goals, achieving the goals
22 upon arrival, and J.C.'s behavior was appropriate and calm, and his
23 joy was obvious. J.C.'s first ride was always Winnie the Pooh,
24 typically followed by two more rides, after which the day was often
25 done. That's all; just a few rides.

26 410. The family's visits since October 9, 2013 have been unpleasant
27 because J.C. lacks the capacity to tolerate idle waits, and Disney has
28 abandoned its accommodation of this incapacity. J.C. has a regular

1 routine of attractions to visit, and disruption of this sequence is a
2 stressor which escalates his stimming behaviors. Especially
3 troublesome is going to a ride and being told to come back later; J.C.
4 is simply incapable of understanding why he travels to a ride which
5 he is then prohibited from riding.

6 411. The first time they visited Walt Disney World after Disney's
7 implementation of the DAS, the family trekked first to the Winnie the
8 Pooh ride, found a 40-minute wait, and were told to come back in 40
9 minutes. L.C. and her husband tried to explain to Jake that they had
10 to come back later. They were unsuccessful, and J.C. laid down on
11 the ground and had a meltdown event.

12 412. During the 40-minute wait time, it was and is impossible for J.C. to
13 go to another ride and ride it, because it upsets his programmed
14 sequence; and it would make matters worse to go to another ride
15 only to get a Fast Pass and then be prohibited from riding that ride
16 too, again being told to come back later.

17 413. Disney's new DAS also causes J.C. to get prematurely physically
18 exhausted in the Parks. Like most autistic persons, J.C. cannot stop
19 and "browse;" thus the need to keep him rapidly moving during the
20 Disney-imposed wait times exhausts J.C., and, often, his family as
21 well.

22 414. Since that time, L.C. has learned that even the minimal J.C. routine –
23 three rides – is an exhausting all-day proposition for the family, and
24 it is simply too much for J.C.

25 415. L.C. and her family have continued to give Disney chances. On a
26 recent visit to Magic Kingdom they found a 60-minute wait for Peter
27 Pan, and L.C. knew the wait would be intolerable, so the family
28 simply left the park.

1 416. On an even more recent visit, the family trekked to the Winnie the
 2 Pooh ride, where they found a long wait and were told to come back
 3 later. In reaction, J.C. had a meltdown episode.

4 417. This event was consistent with J.C.'s other times at the park; there is
 5 a point in time that he can idly wait, but it is nowhere near the 45 or
 6 more minutes which Disney apparently proudly accepts as the
 7 baseline for all its guests.

8 418. Since the meltdown on the Winnie the Pooh ride, the family has
 9 avoided returning to the Parks because J.C. cannot grasp the concept
 10 of waiting idly for something to happen in such a fun and lively place
 11 as Walt Disney World. He reacts to extended waits the same way
 12 every time. After a few minutes the idle wait becomes a stressor,
 13 and he will become agitated, jump up and down, and wildly spin his
 14 arms around.

15 419. L.C. and her husband have been staunch Disney fans and passholders
 16 for 20 years, the first half of which they lived in Massachusetts. They
 17 always kept fairly abreast of Disney-related events including goings-
 18 on at the Parks. Even so, the first time they ever heard about
 19 "abuse" of the Disney Guest Assistance Card system was in 2013.

20 420. L.C. knows that the DAS system appears to be based upon the
 21 premise that one can reason with an autistic child. Such thinking
 22 reflects no knowledge or deliberation about the needs of persons
 23 with cognitive impairments. Obviously, Disney is proud of its ability
 24 to habitually induce its non-disabled guests to wait an hour or more
 25 for rides, so proud that it believes all persons, regardless of their
 26 impairments, must be well-served and thoroughly-accommodated by
 27 being subjected to the same wait.
 28

1 421. After more than 20 years, L.C. and her family have resolved that unless
 2 Disney's failed accommodations program is modified to fit J.C.'s special
 3 needs, they need not take J.C. back to the Parks. J.C. and L.C. have
 4 already visited the Parks considerably less frequently than before.
 5 Their interest in attending the Parks is substantially diminished,
 6 because L.C. knows the DAS will result in discrimination against J.C. and
 7 will create stressors which will escalate him toward meltdown
 8 behaviors.

9 422. L.C. incurred monetary costs in purchasing annual passes to the Parks,
 10 and has incurred wasted expenses during wasted trips to the Parks.

11 **WHEREFORE**, Plaintiff J.C., by and through L.C. as her next friend, parent
 12 and natural guardian, prays that this Court adjudicate this dispute and
 13 enter an Order:

- 14 • Enjoining Defendant to cease the practices which are causing
 15 discrimination against Plaintiff on account of J.C.'s disability; and
- 16 • Enjoining Defendant to reasonably modify its policies, practices, and
 17 procedures to afford Plaintiff with an opportunity to experience
 18 Disney's goods, services, facilities, privileges, advantages, and
 19 accommodations; and
- 20 • Establishing Court-approved remedial measures that Disney must
 21 implement, to prevent Disney from further discriminating against
 22 Plaintiff when they visit the Disney Parks; and
- 23 • Establishing Court-approved requirements for information
 24 dissemination about Disney's remedial measures and modified
 25 policies, to prevent Disney from further deterring Plaintiff from
 26 visiting Disney Parks as a result of anticipated discrimination; and
- 27 • Establishing a monitoring program to ensure Disney's compliance
 28 with the Court's Orders; and

- Awarding reasonable attorney's fees as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Such other relief as this Court may find just and equitable.

COUNT 35

Negligent Infliction of Emotional Distress

J.C. v. Disney

423. Plaintiff J.C. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 394 through 422 above.

424. During one or more visits to the Parks, J.C. suffered an actual meltdown.

425. The symptoms and conditions associated with J.C.'s meltdown constitute a physical injury under Florida law.

426. J.C.'s meltdown in the Parks was proximately caused by Disney's negligent, unlawful, reckless and arbitrary treatment of J.C. during his patronage of Disney's facilities. At all material times, Disney knew J.C. to be vulnerable to emotional injury if treated in such a manner by anyone.

427. J.C.'s meltdown and the treatment which proximately caused J.C. to experience the meltdown caused him grave and extreme mental anguish and emotional trauma, for which Disney should be held accountable.

WHEREFORE, Plaintiff J.C., by and through L.C. as J.C.'s next friend, parent and natural guardian, prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney negligently inflicted emotional distress upon J.C.; and
- Finding such infliction to have caused damages to J.C.; and
- Entering judgment for Plaintiff J.C. in the amount of such damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 36

Intentional Infliction of Emotional Distress

J.C. v. Disney

428. Plaintiff J.C. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 394 through 422 above.

429. During one or more visits to the Parks, J.C. suffered an actual meltdown.

430. The symptoms and conditions associated with J.C.'s meltdown constitute a physical injury under Florida law.

431. J.C.'s meltdown in the Parks was proximately caused by Disney's outrageous, unlawful and reckless treatment of J.C. during his patronage of Disney's facilities. At all material times, Disney knew J.C. to be vulnerable to emotional injury if treated in such a manner by anyone.

432. J.C.'s meltdown and the treatment which proximately caused J.C. to experience the meltdown caused him grave and extreme mental

1 anguish and emotional trauma, for which Disney should be held
2 accountable.

3 **WHEREFORE**, Plaintiff J.C., by and through L.C. as J.C.'s next friend,
4 parent and natural guardian, prays that this Court adjudicate this dispute
5 and enter an Order:

- 6 • Finding that Disney intentionally inflicted emotional distress
7 upon J.C.; and
- 8 • Finding such infliction to have caused damages to J.C.; and
- 9 • Entering judgment for Plaintiff J.C. in the amount of such
10 damages; and
- 11 • Awarding reasonable litigation costs as may be determined by the
12 Court in favor of Plaintiff and against Disney; and
- 13 • Awarding prejudgment interest; and
- 14 • Such other relief as this Court may find just and equitable.

15
16 **COUNT 37**

17 **Breach of Contract**

18 ***L.C. v. Disney***

19
20 433. Plaintiff L.C. incorporates and re-alleges the allegations of
21 paragraphs 1 through 66, and 394 through 422 above.

22 434. L.C., through L.C.'s acquisition of Disney annual passes for L.C. and
23 her family, entered into a contract through which Disney promised
24 to provide a reasonable and enjoyable amusement park experience,
25 and one which complies with applicable law.

26 435. Disney failed or refused to provide the promised experience, and is
27 in breach of contract.
28

1 436. L.C. incurred monetary costs in purchasing annual passes to the
 2 Parks for trips that were entirely wasted, and incurred other
 3 expenses during the wasted trips to the Parks. Plaintiff is damaged
 4 by Disney's breach of contract.

5 **WHEREFORE**, Plaintiff L.C. prays that this Court adjudicate this
 6 dispute and enter an Order:

- 7 • Finding that Disney breached its contract with L.C.; and
- 8 • Entering judgment for Plaintiff L.C. in the amount of her economic
- 9 monetary damages; and
- 10 • Awarding reasonable litigation costs as may be determined by the
- 11 Court in favor of Plaintiff and against Disney; and
- 12 • Awarding prejudgment interest; and
- 13 • Such other relief as this Court may find just and equitable.

14 **COUNT 38**

15 **Negligent Infliction of Emotional Distress**

16 ***L.C. v. Disney***

17
 18
 19 437. Plaintiff L.C. incorporates and re-alleges the allegations of
 20 paragraphs 1 through 66, and 394 through 422 above.

21 438. During one or more visits to the Parks, L.C.'s beloved son J.C.
 22 suffered an actual meltdown while in L.C.'s presence.

23 439. The symptoms and conditions associated with J.C.'s meltdown
 24 constitute a physical injury to J.C. under Florida law.

25 440. J.C.'s meltdown in the Parks was proximately caused by Disney's
 26 negligent, unlawful, reckless and arbitrary treatment of J.C. during
 27 his patronage of Disney's facilities. At all material times, Disney
 28

1 knew J.C. to be vulnerable to emotional injury if treated in such a
2 manner by anyone.

3 441. L.C. directly observed the stressors leading up to the meltdown, J.C.'s
4 resulting escalation and his meltdown. Particularly in light of her
5 trust and confidence that Disney would comply with applicable law
6 and act in a gracious and caring manner toward her son, L.C. could
7 do nothing reasonable to prevent the meltdown.

8 442. L.C.'s observation of J.C.'s meltdown and of the outrageous conduct
9 and treatment which proximately caused J.C. to experience the
10 meltdown caused L.C. grave and extreme mental anguish and
11 emotional trauma, for which Disney should be held accountable.

12 **WHEREFORE**, Plaintiff L.C. prays that this Court adjudicate this
13 dispute and enter an Order:

- 14 • Finding that Disney negligently inflicted emotional distress upon
15 L.C.; and
- 16 • Finding such infliction to have caused damages to L.C.; and
- 17 • Entering judgment for Plaintiff L.C. in the amount of such
18 damages; and
- 19 • Awarding reasonable litigation costs as may be determined by the
20 Court in favor of Plaintiff and against Disney; and
- 21 • Awarding prejudgment interest; and
- 22 • Such other relief as this Court may find just and equitable.

23
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28

COUNT 39**Intentional Infliction of Emotional Distress*****L.C. v. Disney***

443. Plaintiff L.C. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 394 through 422 above.

444. During one or more visits to the Parks, L.C.'s beloved son J.C. suffered an actual meltdown.

445. The symptoms and conditions associated with J.C.'s meltdown constitute a physical injury under Florida law.

446. J.C.'s meltdown in the Parks was proximately caused by Disney's outrageous, unlawful and reckless treatment of J.C. during his patronage of Disney's facilities. At all material times, Disney knew J.C. to be vulnerable to emotional injury if treated in such a manner by anyone.

447. L.C. directly observed the stressors leading up to the meltdown, J.C.'s resulting escalation and his meltdown. Particularly in light of her trust and confidence that Disney would comply with applicable law and act in a gracious and caring manner toward her son, L.C. could do nothing reasonable to prevent the meltdown.

448. L.C.'s observation of J.C.'s meltdown and of the outrageous conduct and treatment which proximately caused J.C. to experience the meltdown caused L.C. grave and extreme mental anguish and emotional trauma, for which Disney should be held accountable.

WHEREFORE, Plaintiff L.C. prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney intentionally inflicted emotional distress upon L.C.; and

- Finding such infliction to have caused damages to L.C.; and
- Entering judgment for Plaintiff L.C. in the amount of such damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 32

Violation of the Americans with Disabilities Act

42 U.S.C. §§12131, *et seq.*

T.P. v. Disney

449. Plaintiff T.P. incorporates and re-alleges paragraphs 1 through 66, and 68 above.

450. T.P. has been diagnosed with autism, severe obsessive compulsive disorder (OCD), attention deficit hyperactivity disorder (ADHD), and is subject to anxiety attacks. He becomes particularly anxious when forced to idly wait for more than a few minutes. Additionally, T.P.'s verbal skills are not well-developed. Behavioral meltdowns for T.P. consist generally of aggressive behavior directed towards his mother, which may include pulling at her hair.

451. T.P. is a person with a disability, as that term is defined in 42 U.S.C. §12102(1).

452. T.P. is 12 years old and is generally in the care of his mother, S.P. who brings this action as T.P.'s next friend, parent and natural guardian.

453. T.P. and S.P. are residents of the City of Norwalk in Los Angeles County, California.

1 454. T.P. loves Disney unconditionally. It is his only true social skill, and the
2 only thing T.P. wants to discuss with others. T.P. will talk at length
3 about anything Disney, including his favorite attractions, the Parks, the
4 movies, the characters, and most importantly, his next visit and what he
5 is going to do while he is there.

6 455. Indeed, for much of his childhood T.P. has visited Disneyland with his
7 brother and S.P. T.P. carried the Guest Assistance Card, and he was
8 admirably accommodated. During those visits, T.P. exhibited a nature
9 and extent of joy that he rarely showed in any other setting. S.P. was
10 always proud and joyful of the opportunity to bring to her beloved child
11 a level of happiness which he rarely showed elsewhere.

12 456. In July 2013 T.P. and S.P. obtained season passes for Disneyland. T.P.
13 and S.P. visited the Disney parks six to eight times between July 2013
14 and October 2013. T.P. only experienced one behavioral meltdown
15 during his visits to Disneyland prior to October 2013.

16 457. Since T.P. was a toddler, his cognitive impairments have manifested
17 themselves in a certain way during the family's visits to the Parks. T.P.
18 must experience the park in a specific order, so that disruptions in his
19 planned routine will tend to escalate his stimming behaviors toward
20 meltdowns. T.P. has a strict schedule in his head of the Disneyland
21 rides he must ride, and the order in which he *must* ride them. Deviation
22 from *that* order will likely lead to a meltdown. For example, T.P.'s
23 favorite Disneyland attraction is It's a Small World. If T.P. were to visit
24 Disneyland and visit It's a Small World immediately upon arriving, and
25 not be afforded the opportunity to ride *that* ride at *that* time, he would
26 likely experience a meltdown.

27 458. Similarly, if T.P. were required to idly wait for entry into a ride or
28 attraction for more than a few minutes he also would likely melt down.

1 During the wait, his behaviors – anxiety, aggression toward his mother,
2 echolalia (the repetition of certain phrases over and over again) would
3 escalate in frequency or severity. If he is not removed from the
4 condition, a meltdown will occur.

5 459. Because T.P. is incapable of understanding the concept of visiting a ride
6 or attraction only to be prohibited from riding it until a future time, the
7 new DAS creates avoidable stressors for T.P., escalating his stimming
8 patterns toward meltdowns, in high traffic areas of the park. Since
9 Disney's implementation of the new DAS, T.P. has experienced several
10 meltdowns at Disneyland. Two of these meltdowns were so bad S.P.
11 had to remove T.P. from the park due to the potential of T.P. hurting
12 himself, S.P., and others.

13 460. Due to its failure to accommodate which leads to an increased
14 propensity for T.P. experiencing a meltdown, Defendant has prevented
15 T.P. from experiencing the full enjoyment of its Parks, equal to the
16 experiences of persons without a disability.

17 461. Shortly after S.P.'s and T.P.'s October 20, 2013 visit to Disneyland, S.P.
18 wrote an email to Disney explaining the hardship the newly
19 implemented DAS causes her and T.P. Disney refused or failed to
20 reasonably modify the policy for the needs of T.P. and others like him.
21 S.P. has contacted Disney Guest Relations and certain Disney
22 employees, including Mark Jones, expressing her frustration and need
23 for an individual accommodation. Their only response was to reiterate
24 the need to "try it out," without mention that accommodation would
25 *actually* be made, and the suggestion that she begin the process to
26 cancel their annual passes.

27 462. After October 9, 2013, T.P. no longer received the type of
28 accommodation and attention T.P. and S.P. had received when they

1 visited the Parks in the past. Specifically, since October 9, 2013, T.P.
2 and S.P. have been to the Disneyland Parks, including Disneyland in
3 Anaheim, six times, most recently on February 17, 2014. The DAS has
4 specifically adversely impacted T.P. because additional time must be
5 expended in line at the start of each visit to obtain the DAS.

6 463. As a result of Disney's failure to modify its procedures to reasonably
7 accommodate T.P.'s needs, T.P. and S.P. have been discouraged and
8 deterred from the full use and enjoyment of the park's rides and
9 attractions. S.P. would visit the Parks with T.P. more often had Disney
10 not abandoned its past policy of accommodating the special needs of
11 persons with cognitive impairments. Their interest in attending the
12 Parks is substantially reduced. S.P. knows they should avoid attending
13 the parks in the future due to the expectation that the experience will
14 again be an un-magical and un-accommodating one, and especially due
15 to the risk that the experience will be destructive for T.P.

16 464. Notwithstanding Disney's highly sophisticated knowledge of the needs
17 of persons with cognitive impairments, and notwithstanding Disney's
18 historic ability to accommodate T.P.'s special needs, Disney personnel
19 have failed to conduct an individualized assessment of T.P.'s capacity to
20 utilize the DAS, and to modify the DAS to allow T.P. to enjoy the same
21 benefits and privileges as non-disabled patrons.

22 465. Disney personnel have shown no willingness or desire to improve the
23 experience for guests like T.P.

24 466. S.P. incurred monetary costs in purchasing annual pass tickets to the
25 Parks, in addition to annual parking passes and other expenses which
26 were wasted during the family's wasted trips to the Parks.

27 467. T.P. and S.P. have already visited the Parks considerably less frequently
28 than they intended when they purchased the annual passes, a situation

1 which continues to this day. Their interest in attending Disney Parks is
 2 substantially diminished.

3 WHEREFORE, Plaintiff T.P. by and through S.P., as T.P.'s next friend, parent
 4 and natural guardian, prays that this Court adjudicate this dispute and
 5 enter an Order:

- 6 • Enjoining Defendant to cease the practices which are causing
 7 discrimination against Plaintiff on account of T.P.'s disability; and
- 8 • Enjoining Defendant to reasonably modify its policies, practices, and
 9 procedures to afford Plaintiff with an opportunity to experience
 10 Disney's goods, services, facilities, privileges, advantages, and
 11 accommodations; and
- 12 • Establishing Court-approved remedial measures that Disney must
 13 implement, to prevent Disney from further discriminating against
 14 Plaintiff when they visit the Disney Parks; and
- 15 • Establishing Court-approved requirements for information
 16 dissemination about Disney's remedial measures and modified
 17 policies, to prevent Disney from further deterring Plaintiff from
 18 visiting Disney Parks as a result of anticipated discrimination; and
- 19 • Establishing a monitoring program to ensure Disney's compliance
 20 with the Court's Orders; and
- 21 • Awarding reasonable attorney's fees as may be determined by the
 22 Court in favor of Plaintiff and against Disney; and
- 23 • Awarding reasonable litigation costs as may be determined by the
 24 Court in favor of Plaintiff and against Disney; and
- 25 • Such other relief as this Court may find just and equitable.

Count 41**Violation of the Unruh Civil Rights Act****California Civil Code §§51, 52*****T.P. v. Disney***

468. T.P. incorporates and re-alleges paragraphs 1 through 68, and 450 through 467 above.

469. T.P. is and at all material times has been a disabled person within the meaning of California Government Code 12926(j) by virtue of having cognitive disabilities including autism, as well as ADHD, and anxiety.

470. Section 51 of the California Civil Code, the Unruh Civil Rights Act, provides protection from discrimination by all business establishments in California, including housing and public accommodations, because of age, ancestry, color, disability, national origin, race, religion, sex and sexual orientation.

471. Section 52 of the California Civil Code provides that whoever denies, aids or incites a denial, or makes any discrimination or distinction contrary to Section 51 is liable for each and every offense.

472. Pursuant to California Civil Code Section 51(f), a violation of the ADA also constitutes a violation of California Civil Code Section 51, *et seq.*

473. The Parks are “business establishments” within the meaning of the California Code Section 51, *et seq.*

474. Through the acts and omissions described in this Complaint, Disney has violated California Civil Code Section 51 by denying Plaintiff T.P.’s access to Disney’s programs, services and activities. Disney has instituted and continues to utilize policies which deny or which aid or incite the denial of Plaintiff’s full and equal enjoyment of Disney’s public accommodations in the same manner as non-disabled persons.

1 Disney refuses to modify its policies and procedures to permit fair
 2 enjoyment of its facilities by Plaintiff. As a direct and proximate result
 3 of the afore-mentioned acts and omissions, Plaintiff has suffered, and
 4 continues to suffer, hardship, humiliation and anxiety due to Disney's
 5 failure to provide reasonable accommodations and access as are
 6 required by Plaintiff's cognitive impairments.

7 475. Due to the continuous nature of Disney's ongoing discriminatory
 8 conduct, declaratory and injunctive relief are appropriate. Moreover,
 9 as a result of Defendant's action, Plaintiff is suffering irreparable harm,
 10 and thus immediate relief is appropriate.

11 **WHEREFORE**, Plaintiffs T.P. prays that this Court adjudicate this dispute
 12 and enter an Order:

- 13 • Enjoining Defendant to cease the practices which are causing
 14 discrimination against Plaintiffs on account of T.P.'s disability;
 15 and
- 16 • Enjoining Defendant to reasonably modify its policies, practices,
 17 and procedures to afford Plaintiffs with an opportunity to
 18 experience Disney's goods, services, facilities, privileges,
 19 advantages, and accommodations; and
- 20 • Establishing Court-approved remedial measures that Disney must
 21 implement, to prevent Disney from further discriminating against
 22 Plaintiffs when they visit the Disney Parks; and
- 23 • Establishing Court-approved requirements for information
 24 dissemination about Disney's remedial measures and modified
 25 policies, to prevent Disney from further deterring Plaintiffs from
 26 visiting Disney Parks as a result of anticipated discrimination;
 27 and
- 28 • Establishing a monitoring program to ensure Disney's compliance

- with the Court's Orders; and
- Entering judgment for Plaintiff T.P. in the amount of his non-economic monetary damages; and
- Entering judgment in favor of Plaintiffs and against Disney for exemplary or punitive damages; and
- Awarding reasonable attorney's fees as may be determined by the Court in favor of Plaintiffs and against Disney; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiffs and against Disney; and
- Such other relief as this Court may find just and equitable.

COUNT 42

Negligent Infliction of Emotional Distress

T.P. v. Disney

476. Plaintiff T.P. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 450 through 467 above.

477. During one or more visits to the Parks, T.P. suffered an actual meltdown.

478. The symptoms and conditions associated with T.P.'s meltdown constitute a physical injury under California law.

479. T.P.'s meltdown in the Parks was proximately caused by Disney's negligent, unlawful, reckless and arbitrary treatment of T.P. during his patronage of Disney's facilities. At all material times, Disney knew T.P. to be vulnerable to emotional injury if treated in such a manner by anyone.

480. T.P.'s meltdown and the treatment which proximately caused T.P. to experience the meltdown caused him grave and extreme mental

1 anguish and emotional trauma, for which Disney should be held
2 accountable.

3 **WHEREFORE**, Plaintiff T.P., by and through S.P. as T.P.'s next friend,
4 parent and natural guardian, prays that this Court adjudicate this dispute
5 and enter an Order:

- 6 • Finding that Disney negligently inflicted emotional distress upon
7 T.P.; and
- 8 • Finding such infliction to have caused damages to T.P.; and
- 9 • Entering judgment for Plaintiff T.P. in the amount of such
10 damages; and
- 11 • Awarding reasonable litigation costs as may be determined by the
12 Court in favor of Plaintiff and against Disney; and
- 13 • Awarding prejudgment interest; and
- 14 • Such other relief as this Court may find just and equitable.

15 **COUNT 43**

16 **Intentional Infliction of Emotional Distress**

17 ***T.P. v. Disney***

18
19
20 481. Plaintiff T.P. incorporates and re-alleges the allegations of
21 paragraphs 1 through 67, and 450 through 467 above.

22 482. During one or more visits to the Parks, T.P. suffered an actual
23 meltdown.

24 483. The symptoms and conditions associated with T.P.'s meltdown
25 constitute a physical injury under California law.

26 484. T.P.'s meltdown in the Parks was proximately caused by Disney's
27 outrageous, unlawful and reckless treatment of T.P. during his
28 patronage of Disney's facilities. At all material times, Disney knew

1 T.P. to be vulnerable to emotional injury if treated in such a manner
2 by anyone.

3 485. T.P.'s meltdown and the treatment which proximately caused T.P. to
4 experience the meltdown caused him grave and extreme mental
5 anguish and emotional trauma, for which Disney should be held
6 accountable.

7 **WHEREFORE**, Plaintiff T.P., by and through S.P. as T.P.'s next friend,
8 parent and natural guardian, prays that this Court adjudicate this dispute
9 and enter an Order:

- 10 • Finding that Disney intentionally inflicted emotional distress
11 upon T.P.; and
- 12 • Finding such infliction to have caused damages to T.P.; and
- 13 • Entering judgment for Plaintiff T.P. in the amount of such
14 damages;
- 15 • Entering judgment in favor of Plaintiffs and against Disney for
16 exemplary or punitive damages; and
- 17 • Awarding reasonable litigation costs as may be determined by the
18 Court in favor of Plaintiff and against Disney; and
- 19 • Awarding prejudgment interest; and
- 20 • Such other relief as this Court may find just and equitable.

21
22 **COUNT 44**

23 **Breach of Contract**

24 ***S.P. v. Disney***

25
26 486. Plaintiff S.P. incorporates and re-alleges the allegations of paragraphs 1
27 through 66, and 450 through 467 above.

28 487. S.P., through S.P.'s acquisition of Disney annual passes for T.P. and her

family, entered into a contract through which Disney promised to provide a reasonable and enjoyable amusement park experience, and one which complies with applicable law.

488. Disney failed or refused to provide the promised experience, and is in breach of contract.

489. S.P. incurred monetary costs in purchasing annual passes to the Parks for trips that were entirely wasted, and incurred other expenses during the wasted trips to the Parks. Plaintiff is damaged by Disney's breach of contract.

WHEREFORE, Plaintiff S.P. prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney breached its contract with S.P.; and
- Entering judgment for Plaintiff S.P. in the amount of her economic monetary damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 45

Negligent Infliction of Emotional Distress

S.P. v. Disney

490. Plaintiff S.P. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 450 through 467 above.

491. During one or more visits to the Parks, S.P.'s beloved son T.P. suffered an actual meltdown while in S.P.'s presence.

1 492. The symptoms and conditions associated with T.P.'s meltdown
2 constitute a physical injury to T.P. under California law.

3 493. T.P.'s meltdown in the Parks was proximately caused by Disney's
4 negligent, unlawful, reckless and arbitrary treatment of T.P. during
5 his patronage of Disney's facilities. At all material times, Disney
6 knew T.P. to be vulnerable to emotional injury if treated in such a
7 manner by anyone.

8 494. S.P. directly observed the stressors leading up to the meltdown,
9 T.P.'s resulting escalation and his meltdown. Particularly in light of
10 her trust and confidence that Disney would comply with applicable
11 law and act in a gracious and caring manner toward her son, S.P.
12 could do nothing reasonable to prevent the meltdown.

13 495. S.P.'s observation of T.P.'s meltdown and of the outrageous conduct
14 and treatment which proximately caused T.P. to experience the
15 meltdown caused S.P. grave and extreme mental anguish and
16 emotional trauma, for which Disney should be held accountable.

17 **WHEREFORE**, Plaintiff S.P. prays that this Court adjudicate this
18 dispute and enter an Order:

- 19 • Finding that Disney negligently inflicted emotional distress upon
20 S.P.; and
- 21 • Finding such infliction to have caused damages to S.P.; and
- 22 • Entering judgment for Plaintiff S.P. in the amount of such
23 damages; and
- 24 • Awarding reasonable litigation costs as may be determined by the
25 Court in favor of Plaintiff and against Disney; and
- 26 • Awarding prejudgment interest; and
- 27 • Such other relief as this Court may find just and equitable.

COUNT 46**Intentional Infliction of Emotional Distress*****S.P. v. Disney***

496. Plaintiff S.P. incorporates and re-alleges the allegations of paragraphs 1 through 67, and 450 through 467 above.

497. During one or more visits to the Parks, S.P.'s beloved son T.P. suffered an actual meltdown.

498. The symptoms and conditions associated with T.P.'s meltdown constitute a physical injury under California law.

499. T.P.'s meltdown in the Parks was proximately caused by Disney's outrageous, unlawful and reckless treatment of T.P. during his patronage of Disney's facilities. At all material times, Disney knew T.P. to be vulnerable to emotional injury if treated in such a manner by anyone.

500. S.P. directly observed the stressors leading up to the meltdown, T.P.'s resulting escalation and his meltdown. Particularly in light of her trust and confidence that Disney would comply with applicable law and act in a gracious and caring manner toward her son, S.P. could do nothing reasonable to prevent the meltdown.

501. S.P.'s observation of T.P.'s meltdown and of the outrageous conduct and treatment which proximately caused T.P. to experience the meltdown caused S.P. grave and extreme mental anguish and emotional trauma, for which Disney should be held accountable.

WHEREFORE, Plaintiff S.P. prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney intentionally inflicted emotional distress upon S.P.; and

- Finding such infliction to have caused damages to S.P.; and
- Entering judgment for Plaintiff S.P. in the amount of such damages;
- Entering judgment in favor of Plaintiffs and against Disney for exemplary or punitive damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 47

Violation of the Americans with Disabilities Act

42 U.S.C. §§12131, *et seq.*

C.M.J. v. Disney

502. Plaintiff C.M.J. incorporates and re-alleges paragraphs 1 through 66, and 68 above.

503. C.M.J. is diagnosed with severe autism, obsessive compulsive disorder (“OCD”), and severe apraxia of speech.

504. C.M.J. is a person with a disability, as that term is defined in 42 U.S.C. §12102(1).

505. C.M.J. is eight years old and is generally in the care of his mother, D.L.J., who brings this action as C.M.J.’s next friend, parent and natural guardian.

506. C.M.J. and D.L.J. are residents of Philadelphia, PA.

507. For many years, until several years prior to 2013 and while D.L.J. was herself a child, D.L.J. and her family visited the Parks many times. D.L.J. grew to become an unadulterated fan of Disney.

1 508. During those years, visiting the Parks was a wonderful experience
2 for D.L.J., even though she herself was disabled. D.L.J. suffered from
3 MCAD-related myopathy and epilepsy and experienced the Parks in
4 a wheelchair, herself using the red Guest Assistance Card. D.L.J. was
5 admirably accommodated during her visits to the Parks.

6 509. D.L.J. anxiously awaited the day, she should be lucky enough to
7 become a mother in the future, that she might get to take her own
8 children there.

9 510. D.L.J. and her family are a family of very modest means. They will
10 get few opportunities to experience the Parks. For quite some time,
11 she has planned a vacation for her family, which she currently hopes
12 will occur in September 2014.

13 511. Until Disney's DAS was released in October 2013, D.L.J. always heard
14 that Disney admirably accommodated its disabled guests,
15 particularly those with cognitive disabilities. D.L.J.'s dream of taking
16 her children to Walt Disney World was not restrained, and was in
17 fact enhanced, by her confidence that Disney would support, through
18 its caring accommodations, her efforts to care for her disabled
19 children and give them a magical experience in the Parks. She was
20 certain Disney would accommodate her children as splendidly as
21 Disney had accommodated D.L.J. when D.L.J. was a child.

22 512. This drastically changed in October 2013 when Disney rolled out its
23 Disability Access Service. Immediately upon Disney's release and
24 implementation of those policies and procedures, D.L.J. began to
25 learn the troubling truth about the DAS, as other persons in the
26 autism community visited the Parks and made their awful
27 experiences and their disdain for the new system known. Since
28 Disney's DAS was released, D.L.J. has become reasonably terrified of

1 taking C.M.J to the Parks.

2 513. Fearful that the September 2014 visit will be an un-accommodating
3 one for her children and a prohibitively and wasteful expense for the
4 family, D.L.J. contacted Disney employees to express her concerns
5 and fears about the potential Disney nightmare which would unfold
6 if she goes forward with the family vacation, hoping Disney would
7 say something to allay her fears.

8 514. Disney employees have declined to offer any information to D.L.J.
9 which will give her an understanding of what to expect in September
10 2014. She has simply been told that Disney works with families on
11 an individualized basis, so D.L.J. can know nothing about what to
12 expect until she and her family actually arrive at the Parks.

13 515. Actually, she can know what to expect, from the experiences of
14 others. The experiences of other families within the autism
15 community are uniformly awful. Those experiences establish that
16 when D.L.J. arrives at the Parks, any effort to engage in
17 individualized discussion, with the hope Disney might modify its
18 procedures to accommodate her children, will be ignored. Instead,
19 they will receive as their "accommodation" the DAS – nothing more,
20 nothing less. The only "individualized" exception will be that if D.L.J.
21 should begin her vacation by diluting the Magic and complaining
22 loud enough in Guest Relations, she might be thrown a few Fast
23 Passes to shut her up.

24 516. A Disney employee told D.L.J. that she could get no more information
25 in advance; she can only come to the Parks, explain her concerns,
26 and try out the DAS. That employee did not explain why explaining
27 her concerns was a part of the process at all, since the same solution
28 and accommodation would be imposed regardless of whatever

1 concerns D.L.J. might raise: “try out” the unsuitable DAS.

2 517. D.L.J. has not yet cancelled her family’s vacation plans. Absent a
3 change in Disney’s DAS or a genuine openness to modifying its DAS
4 to accommodate her family, D.L.J. will have little choice but to
5 shatter her children’s dreams by canceling the trip. An
6 experimental, trial-and-error trip to Florida is not practicable.

7 518. C.M.J.’s cognitive impairments manifest themselves in a certain way
8 which, along with the family’s experiences at other public events and
9 other theme parks, allows D.L.J. to accurately predict the reasonable
10 accommodations he will need in order to reasonably and enjoyably
11 experience the Parks. C.M.J.’s web research regarding the Parks will
12 continue for months prior to the visit, and he will have internally
13 programmed a particular sequence. To avoid stressors which will
14 cause his stimming behaviors to escalate to meltdown, he will need
15 to move through the Parks in that specific, pre-defined order,
16 visiting only certain attractions and rides.

17 519. C.M.J. will be unable to tolerate arriving at an attraction or ride and
18 not experiencing it. That is, he will unquestionably experience a
19 meltdown event if he travels all the way to a ride, following the
20 course he will already have programmed for himself, only to be told
21 he is prohibited from riding it and must return later. The
22 prohibition will not be because the ride isn’t working; there will be
23 no reason which C.M.J. might be able to compute. When C.M.J.
24 experiences such stressors, his stimming patterns will begin to
25 increase, including uncontrollable crying which will not cease until
26 D.L.J. picks him up and holds him. If the stimming escalates to
27 meltdown stage, C.M.J. will cry so violently that he will
28 hyperventilate and vomit.

1 520. Over time, as is the case with any mother of a cognitively disabled
2 child, D.L.J. has become very familiar with C.M.J.'s stressors. One
3 thing she knows to protect C.M.J. from is exactly the experience to
4 which Disney would subject him to – idle wait times and inconsistent
5 ride sequences and experiences. The family has occasionally tested
6 C.M.J.'s ability to idly wait in a queue or to enjoy anticipated
7 experiences in unanticipated sequences. C.M.J. is prone to melt
8 down in such situations.

9 521. D.L.J. would be inclined to visit Disneyland and Walt Disney World
10 Parks with C.M.J., had Disney not abandoned its past policy of
11 accommodating the special needs of persons with cognitive
12 impairments. Their interest in attending Disneyland and Walt
13 Disney World Parks is substantially reduced. D.L.J. reasonably feels
14 they should avoid attending the Parks in the future due to the
15 expectation that the experience will be an un-magical, and overall,
16 un-fulfilling one, and especially due to the risk that the experience
17 will be destructive for C.M.J.

18 **WHEREFORE**, Plaintiff C.M.J., through D.L.J. as his next friend, parent
19 and natural guardian, prays that this Court adjudicate this dispute and
20 enter an Order:

- 21 • Enjoining Defendant to cease the practices which are causing
22 discrimination against Plaintiff on account of C.M.J.'s disability;
23 and
- 24 • Enjoining Defendant to reasonably modify its policies, practices,
25 and procedures to afford Plaintiff with an opportunity to
26 experience Disney's goods, services, facilities, privileges,
27 advantages, and accommodations; and
- 28 • Establishing Court-approved remedial measures that Disney must

- 1 implement, to prevent Disney from further discriminating against
 2 Plaintiff when they visit the Disney Parks; and
- 3 • Establishing Court-approved requirements for information
 4 dissemination about Disney's remedial measures and modified
 5 policies, to prevent Disney from further deterring Plaintiff from
 6 visiting Disney Parks as a result of anticipated discrimination;
 7 and
 - 8 • Establishing a monitoring program to ensure Disney's compliance
 9 with the Court's Orders; and
 - 10 • Awarding reasonable attorney's fees as may be determined by the
 11 Court in favor of Plaintiff and against Disney; and
 - 12 • Awarding reasonable litigation costs as may be determined by the
 13 Court in favor of Plaintiff and against Disney; and
 - 14 • Such other relief as this Court may find just and equitable.

15
 16 **COUNT 48**

17 **Violation of the Americans with Disabilities Act**

18 **42 U.S.C. §§12131, *et seq.***

19 ***D.M.J. v. Disney***

20
 21 522. Plaintiff D.M.J. incorporates and re-alleges paragraphs 1 through 66,
 22 and 68 above.

23 523. D.M.J. is diagnosed with severe autism and global developmental
 24 delay.

25 524. D.M.J. is a person with a disability, as that term is defined in 42 U.S.C.
 26 §12102(1).

27 525. D.M.J. is seven years old and is generally in the care of his mother,
 28 D.L.J., who brings this action as D.M.J.'s next friend, parent and

1 natural guardian.

2 526. D.M.J. and D.L.J. are residents of Philadelphia, PA.

3 527. For many years, until several years prior to 2013 and while D.L.J.
4 was herself a child, D.L.J. and her family visited the Parks many
5 times. D.L.J. grew to become an unadulterated fan of Disney.

6 528. During those years, D.L.J. visiting the Parks was a wonderful
7 experience for D.L.J., even though she herself was disabled. D.L.J.
8 suffered from MCAD-related myopathy and epilepsy and
9 experienced the Parks in a wheelchair, herself using the red Guest
10 Assistance Card. D.L.J. was admirably accommodated during her
11 visits to the Parks.

12 529. D.L.J. anxiously awaited the day, she should be lucky enough to
13 become a mother in the future, that she might get to take her own
14 children there.

15 530. D.L.J. and her family are a family of very modest means. They will
16 get few opportunities to experience the Parks. For quite some time,
17 she has planned a vacation for her family, which she currently hopes
18 will occur in September 2014.

19 531. Until Disney's DAS was released in October 2013, D.L.J. always heard
20 that Disney admirably accommodated its disabled guests,
21 particularly those with cognitive disabilities. D.L.J.'s dream of taking
22 her children to Walt Disney World was not restrained, and was in
23 fact enhanced, by her confidence that Disney would support, through
24 its caring accommodations, her efforts to care for her disabled
25 children and give them a magical experience in the Parks. She was
26 certain Disney would accommodate her children as splendidly as
27 Disney had accommodated D.L.J. when D.L.J. was a child.

28 532. This drastically changed in October 2013 when Disney rolled out its

1 Disability Access Service. Immediately upon Disney's release and
2 implementation of those policies and procedures, D.L.J. began to
3 learn the troubling truth about the DAS, as other persons in the
4 autism community visited the Parks and made their awful
5 experiences and their disdain for the new system known. Since
6 Disney's DAS was released, D.L.J. has become reasonably terrified of
7 taking D.M.J to the Parks.

8 533. Fearful that the September 2014 visit will be an un-accommodating
9 one for her children and a prohibitively and wasteful expense for the
10 family, D.L.J. contacted Disney employees to express her concerns
11 and fears about the potential Disney nightmare which would unfold
12 if she goes forward with the family vacation, hoping Disney would
13 say something to allay her fears.

14 534. Disney employees have declined to offer any information to D.L.J.
15 which will give her an understanding of what to expect in September
16 2014. She has simply been told that Disney works with families on
17 an individualized basis, so D.L.J. can know nothing about what to
18 expect until she and her family actually arrive at the Parks.

19 535. Actually, she can know what to expect, from the experiences of
20 others. The experiences of other families within the autism
21 community are uniformly awful. Those experiences establish that
22 when D.L.J. arrives at the Parks, any effort to engage in
23 individualized discussion, with the hope Disney might modify its
24 procedures to accommodate her children, will be ignored. Instead,
25 they will receive as their "accommodation" the DAS – nothing more,
26 nothing less. The only "individualized" exception will be that if D.L.J.
27 should begin her vacation by diluting the Magic and complaining
28 loud enough in Guest Relations, she might be thrown a few Fast

1 Passes to shut her up.

2 536. A Disney employee told D.L.J. that she could get no more information
3 in advance; she can only come to the Parks, explain her concerns,
4 and try out the DAS. That employee did not explain why explaining
5 her concerns was a part of the process at all, since the same solution
6 and accommodation would be imposed regardless of whatever
7 concerns D.L.J. might raise: "try out" the unsuitable DAS.

8 537. D.L.J. has not yet cancelled her family's vacation plans. Absent a
9 change in Disney's DAS or a genuine openness to modifying its DAS
10 to accommodate her family, D.L.J. will have little choice but to
11 shatter her children's dreams by canceling the trip. An
12 experimental, trial-and-error trip to Florida is not practicable.

13 538. D.M.J.'s cognitive impairments manifest themselves in a certain way
14 which, along with the family's experiences at other public events and
15 other theme parks, allows D.L.J. to accurately predict the reasonable
16 accommodations he will need in order to reasonably and enjoyably
17 experience the Parks. D.M.J. will need to experience the Parks in a
18 specific order, limited to only certain rides and experiences he wants
19 to encounter.

20 539. D.M.J. will be unable to tolerate arriving at a ride and not riding it;
21 upon being told he is prohibited from riding the ride, he will be
22 unable to grasp the future-tense concept of coming back later. He
23 simply cannot process the notion of present deprivation in exchange
24 for future enjoyment. This kind of incongruity is a strong stressor
25 for D.M.J.

26 540. When D.M.J. experiences such stressors, his stimming will
27 commence, repeating "No! No! No!" before escalating directly into a
28 meltdown. When D.M.J. experiences a meltdown, he screams at the

top of his lungs and exhibits violence toward himself and his nearby family, which may include biting, shoving and pushing.

541. Over time, as is the case with any mother of a cognitively disabled child, D.L.J. has become very familiar with D.M.J.'s stressors. One thing she knows to protect D.M.J. from is exactly the experience to which Disney would subject him to – idle wait times and inconsistent ride sequences and experiences. The family has occasionally tested D.M.J.'s ability to idly wait in a queue or to enjoy anticipated experiences in unanticipated sequences. C.M.J. is prone to melt down in such situations.

542. D.L.J. would be inclined to visit Disneyland and Walt Disney World Parks with D.M.J., had Disney not abandoned its past policy of accommodating the special needs of persons with cognitive impairments. Their interest in attending Disneyland and Walt Disney World Parks is substantially reduced. D.L.J. reasonably feels they should avoid attending the Parks in the future due to the expectation that the experience will be an un-magical, and overall, un-fulfilling one, and especially due to the risk that the experience will be destructive for D.M.J.

WHEREFORE, Plaintiff D.M.J., through D.L.J. as his next friend, parent and natural guardian, prays that this Court adjudicate this dispute and enter an Order:

- Enjoining Defendant to cease the practices which are causing discrimination against Plaintiff on account of D.M.J.'s disability; and
- Enjoining Defendant to reasonably modify its policies, practices, and procedures to afford Plaintiff with an opportunity to experience Disney's goods, services, facilities, privileges,

- advantages, and accommodations; and
- Establishing Court-approved remedial measures that Disney must implement, to prevent Disney from further discriminating against Plaintiff when they visit the Disney Parks; and
- Establishing Court-approved requirements for information dissemination about Disney's remedial measures and modified policies, to prevent Disney from further deterring Plaintiff from visiting Disney Parks as a result of anticipated discrimination; and
- Establishing a monitoring program to ensure Disney's compliance with the Court's Orders; and
- Awarding reasonable attorney's fees as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Such other relief as this Court may find just and equitable.

COUNT 49

Violation of the Americans with Disabilities Act

42 U.S.C. §§12131, *et seq.*

S.G. v. Disney

543. Plaintiff S.G. incorporates and re-alleges paragraphs 1 through 66, and 68 above.

544. S.G. has severe autism, mitochondrial disease, gastrointestinal and esophageal problems indicative of Crohns Disease, pica disorder, attention deficit hyperactivity disorder (ADHD), and she is assigned an ICD-9-CM code for wandering.

1 545. S.G. is a person with a disability, as that term is defined in 42 U.S.C.
2 §12102(1).

3 546. S.G. is six years old and is generally in the care of her mother, S.M.G,
4 who brings this action as S.G.'s next friend, parent and natural guardian.

5 547. S.G. and S.M.G. are residents of Dorchester County, South Carolina.

6 548. S.G. sits in a hyperbaric oxygen chamber two hours each day to assist
7 with her brain and sleep patterns. During her time in the oxygen
8 chamber, S.G. watches Mickey Mouse on *YouTube*, because she loves all
9 things Disney.

10 549. S.G. is non-verbal and communicates largely by pointing gestures.

11 550. In 2011 and 2012, S.G. and S.M.G. visited the Walt Disney World Parks.
12 S.G. carried the red card associated with the Guest Assistance Card
13 system, and she was admirably accommodated. During those visits, S.G.
14 exhibited a nature and extent of joy that she rarely showed in any other
15 setting. S.M.G. was always proud and joyful of the opportunity to bring
16 to her beloved child a level of happiness which she rarely showed
17 elsewhere.

18 551. Because of these fond memories, S.G. and S.M.G. made plans to return to
19 Walt Disney World in December 2013.

20 552. S.G.'s cognitive impairments require certain accommodations in order
21 for S.G. to experience the Disney Parks in a way equal to other,
22 nondisabled children.

23 553. S.G. is incapable of waiting idly in a line without experiencing a
24 meltdown. Idle waiting is a stressor which escalates S.G.'s stimming
25 behavior toward meltdown. S.G.'s stimming often takes the form of
26 excited crying, biting her hand, falling to the ground and banging her
27 head. She will also make thrusting/humping movements, eat non-
28 edible materials, and scream.

1 554. Although S.G. now has a stroller into which she can be strapped,
2 controlling her is challenging. The ability to wheel her directly to a ride
3 entrance and promptly place her on the ride avoids many of the
4 challenges associated with S.G.'s disability.

5 555. Requiring S.G. to go to the front of a line so her party can get the DAS
6 card signed with a return time, only to then wheel her away with the
7 intention of returning later places S.G. in harm's way, because once S.G.
8 has seen a ride she is incapable of waiting to experiencing it, with or
9 without a line. Once S.G. has seen a ride, she must then either ride it or
10 melt down. By refusing to modify its procedures so as to permit S.G. to
11 enter the ride, Disney assures and causes the meltdown.

12 556. S.G.'s disorders also cause her to have to experience certain Disney
13 attractions repetitively. S.G. is a "repeat rider." This is a propensity
14 common among autistic persons – a variety of the need for consistency,
15 order and routine. S.G. will experience a particular ride or attraction,
16 such as Thunder Mountain, over and over, for several hours at a time.
17 Disney personnel are very familiar with the repeat rider type of guest.

18 557. Disney's new DAS prevents S.G. from experiencing the full enjoyment of
19 Disney's Parks. Her experience is innately inadequate and unequal in
20 comparison to the experience of Disney's non-disabled guests.

21 558. Prior to October 2013, S.M.G. telephoned Disney on at least three
22 separate occasions, each time leaving a voice message explaining the
23 hardship the then anticipated new DAS card would cause to S.G. and
24 her. Disney: (1) failed to return any of the messages; and (2) failed to
25 modify the policy for the needs of S.G. and others like her. Instead,
26 having notice of how this would affect S.G., Disney launched the DAS
27 anyway.
28

1 559. As a result of Disney's refusal to consider modified procedures which
 2 would accommodate S.G.'s needs and allow S.G. to have an equal
 3 experience at the Parks in comparison to non-disabled persons, S.M.G.
 4 reasonably canceled her family's trip to Walt Disney World in
 5 December 2013.

6 560. S.G. has become so deterred by Disney's behavior that this September
 7 2014, the Sunshine Foundation makes S.G. eligible for a trip to Disney
 8 but S.M.G. asked them for an alternative because of Disney's failure to
 9 grant S.G. accommodations that would allow S.G. to have an equally
 10 good time as a nondisabled person at the Disney Parks.

11 561. Notwithstanding Disney's highly sophisticated knowledge of the needs
 12 of persons with cognitive impairments, and notwithstanding Disney's
 13 historic ability to accommodate S.G.'s special needs, Disney
 14 implemented a policy that fails to accommodate the needs of S.G. and
 15 other guests like her, and has refused to modify it.

16 562. Disney personnel showed no willingness or desire to improve the
 17 experience for guests like S.G.

18 563. S.G. and S.M.G. have already visited the Parks considerably less
 19 frequently than they intended, a situation which continues to this day.
 20 Their interest in attending Disney Parks is substantially reduced. S.M.G.
 21 knows that attending Walt Disney World in the future will again be a
 22 supremely un-accommodating experience, one which would be
 23 destructive for S.G. She cannot tolerate another un-enchanting
 24 experience for S.G.

25 **WHEREFORE**, Plaintiff S.G., by and through S.M.G. as her next friend,
 26 parent and natural guardian, prays that this Court adjudicate this dispute
 27 and enter an Order:
 28

- Enjoining Defendant to cease the practices which are causing discrimination against Plaintiff on account of S.G.'s disability; and
- Enjoining Defendant to reasonably modify its policies, practices, and procedures to afford Plaintiff with an opportunity to experience Disney's goods, services, facilities, privileges, advantages, and accommodations; and
- Establishing Court-approved remedial measures that Disney must implement, to prevent Disney from further discriminating against Plaintiff when they visit the Disney Parks; and
- Establishing Court-approved requirements for information dissemination about Disney's remedial measures and modified policies, to prevent Disney from further deterring Plaintiff from visiting Disney Parks as a result of anticipated discrimination; and
- Establishing a monitoring program to ensure Disney's compliance with the Court's Orders; and
- Awarding reasonable attorney's fees as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Such other relief as this Court may find just and equitable.

COUNT 50

Violation of the Americans with Disabilities Act

42 U.S.C. §§12131, *et seq.*

J.B. v. Disney

564. Plaintiff J.B. incorporates and re-alleges paragraphs 1 through 66, and 68 above.

1 565. J.B. has misophonia, obsessive-compulsive disorder (OCD), and post-
2 traumatic stress disorder.

3 566. J.B. is a person with a disability, as that term is defined in 42 U.S.C.
4 §12102(1).

5 567. J.B. is 17 years of age and is generally in the care of her mother, K.B,
6 who brings this action as J.B.'s next friend, parent and natural guardian.

7 568. J.B. and K.B. are residents of Sarasota County, Florida.

8 569. Year after year, J.B., along with K.B. and her now deceased father,
9 visited the Disney Parks. During those visits, J.B. exhibited a nature and
10 extent of joy that she rarely showed in any other setting. K.B. was
11 always proud and joyful of the opportunity to bring to her beloved child
12 a level of happiness which she rarely showed elsewhere.

13 570. Because of these fond memories, J.B. and K.B. chose to move from New
14 York to Florida and become annual Walt Disney World passholders in
15 November 2013.

16 571. Since she was approximately 13 years old, J.B.'s cognitive impairments
17 have manifested themselves in a certain way during her visits to the
18 Parks; J.B. is incapable of standing in lines without her misophonia
19 causing her to stare-down people and curse at them in a similar way to
20 a patient with Tourette syndrome. Triggers will cause J.B. to curse,
21 break into a rash, cry, rage, and engage in self-mutilation, for example
22 digging her nails into her skin until she bleeds. J.B.'s triggers are largely
23 gum chewing noises, water bottle crackling, chip bag crinkling, and
24 sniffing, all of which are common occurrences in Disney's ride lines.

25 572. J.B.'s obsessive compulsive disorder causes her to have to experience
26 the Disney Park rides in a certain order according to her ritual of going
27 to the right on the Disney Park map. At Magic Kingdom, J.B. is capable
28 only of experiencing the Buzz Lightyear ride first, then the Space

1 Mountain ride, etc.

2 573. Disney's new DAS prevents J.B. from experiencing the full enjoyment of
3 Disney's Parks. Her experience is innately inadequate and unequal in
4 comparison to the experience of Disney's non-disabled guests.

5 574. In order to experience the facilities and services of Disney Parks since
6 the implementation of the DAS, J.B. is now forced to stand in a line at
7 City Hall to have her photograph taken and a Disability Access Service
8 card made for her, enduring all potential triggers in the process.

9 575. Similarly, each time J.B. wants to experience a Disney Park she is forced
10 to wait around amongst trigger after trigger for return times on each
11 ride which limits the order in which she can experience the rides.

12 576. The DAS card is only good for approximately two weeks, despite the
13 fact that J.B.'s diagnosis will not change and her annual pass is good for
14 twelve months. The expiration of the DAS card after approximately two
15 weeks assures that at practically every visit, J.B has to stand in line to
16 receive a new DAS card and be subject to the potential triggers.

17 577. On or about December 2013, K.B. was so desperate for J.B. to avoid the
18 Disney lines, that even though she is a Florida resident within driving
19 distance of Disney Parks, she booked a room at a Disney property just
20 to get the Magic Bands. For K.B., the Magic Bands held the potential for
21 her daughter to experience the rides in the order she needed, without
22 exposing her to the long lines which are fraught with triggers.

23 578. However, when K.B. tried to schedule rides through her magic band
24 privileges, she learned that all the prime ride times fill up months in
25 advance and the only times available were "off peak," such as 10:00
26 p.m. The Magic Bands were worthless for J.B.'s purposes.

27 579. Since Defendant's implementation of the DAS, J.B. and K.B. have visited
28 multiple Disney Entertainment sites, including the following Disney

1 Parks: Epcot; Magic Kingdom; and Hollywood Studios. At each Park,
2 K.B. has complained to various managers.

3 580. In December 2013, K.B. complained to a manager at Epcot about the
4 way in which the new DAS card system caused J.B. to be subjected to a
5 volume of triggers at Disney Parks to which the old system did not
6 expose her.

7 581. The Manager at Epcot walked J.B. and K.B. over to a ride and approved
8 J.B. going to the front of the line. The Manager said he was providing a
9 “one-time only accommodation.”

10 582. The new procedure triggers J.B. more frequently at the Parks.
11 Additionally, providing an accommodation only one time will not allow
12 J.B. to utilize her annual pass in such a way that it provides the equal
13 enjoyment of the Disney Parks as that of a non-disabled person. By
14 definition, a “one-time only accommodation” is not a modification of
15 Disney’s procedures.

16 583. Notwithstanding Disney’s highly sophisticated knowledge of the needs
17 of persons with cognitive impairments, and notwithstanding Disney’s
18 historic ability to accommodate J.B.’s special needs, Disney personnel
19 have offered bizarre and preposterous responses to K.B.’s recitations
20 regarding J.B.’s needs. Their statements have been so contrary to
21 Disney’s body of knowledge and to Disney’s historic performance that
22 Disney cannot have accidentally created such absurdities.

23 584. Disney personnel have shown no willingness or desire to improve the
24 experience for guests like J.B.

25 585. K.B. incurred monetary costs in purchasing annual pass tickets to the
26 Parks for trips that were entirely wasted, and incurred other expenses
27 during the wasted trips to the Parks.
28

1 586. J.B. and K.B have already visited the Parks considerably less frequently
2 than they intended to when they purchased the annual passes, a
3 situation which continues to this day. Their interest in attending
4 Disney Parks is substantially reduced. K.B. knows that attending Walt
5 Disney World in the future will again be a supremely un-
6 accommodating experience, one which would be destructive for J.B.
7 She cannot tolerate another un-enchanted experience for J.B.

8 **WHEREFORE**, Plaintiff J.B., by and through K.B as her next friend,
9 parent and natural guardian, prays that this Court adjudicate this dispute
10 and enter an Order:

- 11 • Enjoining Defendant to cease the practices which are causing
12 discrimination against Plaintiff on account of J.B.'s disability; and
 - 13 • Enjoining Defendant to reasonably modify its policies, practices, and
14 procedures to afford Plaintiff with an opportunity to experience
15 Disney's goods, services, facilities, privileges, advantages, and
16 accommodations; and
 - 17 • Establishing Court-approved remedial measures that Disney must
18 implement, to prevent Disney from further discriminating against
19 Plaintiff when they visit the Disney Parks; and
 - 20 • Establishing Court-approved requirements for information
21 dissemination about Disney's remedial measures and modified
22 policies, to prevent Disney from further deterring Plaintiff from
23 visiting Disney Parks as a result of anticipated discrimination; and
 - 24 • Establishing a monitoring program to ensure Disney's compliance
25 with the Court's Orders; and
 - 26 • Awarding reasonable attorney's fees as may be determined by the
27 Court in favor of Plaintiff and against Disney; and
- 28

- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Such other relief as this Court may find just and equitable.

COUNT 51

Negligent Infliction of Emotional Distress

J.B. v. Disney

587. Plaintiff J.B. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 565 through 586 above.

588. During one or more visits to the Parks, J.B. suffered an actual meltdown.

589. The symptoms and conditions associated with J.B.'s meltdown constitute a physical injury under Florida law.

590. J.B.'s meltdown in the Parks was proximately caused by Disney's negligent, unlawful, reckless and arbitrary treatment of J.B. during her patronage of Disney's facilities. At all material times, Disney knew J.B. to be vulnerable to emotional injury if treated in such a manner by anyone.

591. J.B.'s meltdown and the treatment which proximately caused J.B. to experience the meltdown caused her grave and extreme mental anguish and emotional trauma, for which Disney should be held accountable.

WHEREFORE, Plaintiff J.B., by and through K.B. as J.B.'s next friend, parent and natural guardian, prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney negligently inflicted emotional distress upon J.B.; and

- Finding such infliction to have caused damages to J.B.; and
- Entering judgment for Plaintiff J.B. in the amount of such damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 52

Intentional Infliction of Emotional Distress

J.B. v. Disney

592. Plaintiff J.B. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 565 through 586 above.

593. During one or more visits to the Parks, J.B. suffered an actual meltdown.

594. The symptoms and conditions associated with J.B.'s meltdown constitute a physical injury under Florida law.

595. J.B.'s meltdown in the Parks was proximately caused by Disney's outrageous, unlawful and reckless treatment of J.B. during her patronage of Disney's facilities. At all material times, Disney knew J.B. to be vulnerable to emotional injury if treated in such a manner by anyone.

596. J.B.'s meltdown and the treatment which proximately caused J.B. to experience the meltdown caused her grave and extreme mental anguish and emotional trauma, for which Disney should be held accountable.

1 **WHEREFORE**, Plaintiff J.B., by and through K.B. as J.B.'s next friend,
 2 parent and natural guardian, prays that this Court adjudicate this dispute
 3 and enter an Order:

- 4 • Finding that Disney intentionally inflicted emotional distress
 5 upon J.B.; and
- 6 • Finding such infliction to have caused damages to J.B.; and
- 7 • Entering judgment for Plaintiff J.B. in the amount of such
 8 damages; and
- 9 • Awarding reasonable litigation costs as may be determined by the
 10 Court in favor of Plaintiff and against Disney; and
- 11 • Awarding prejudgment interest; and
- 12 • Such other relief as this Court may find just and equitable.

13
 14 **COUNT 53**

15 **Breach of Contract**

16 ***K.B v. Disney***

17
 18 597. Plaintiff K.B incorporates and re-alleges the allegations of paragraphs 1
 19 through 66, and 565 through 586 above.

20 598. K.B, through K.B's acquisition of Disney annual passes for K.B and her
 21 family, entered into a contract through which Disney promised to
 22 provide a reasonable and enjoyable amusement park experience, and
 23 one which complies with applicable law.

24 599. Disney failed or refused to provide the promised experience, and is in
 25 breach of contract.

26 600. K.B incurred monetary costs in purchasing annual passes to the Parks
 27 for trips that were entirely wasted, and incurred other expenses during
 28 the wasted trips to the Parks. Plaintiff is damaged by Disney's breach of

contract.

WHEREFORE, Plaintiff K.B prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney breached its contract with K.B; and
- Entering judgment for Plaintiff K.B in the amount of her economic monetary damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 54

Negligent Infliction of Emotional Distress

K.B. v. Disney

601. Plaintiff K.B. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 565 through 586 above.

602. During one or more visits to the Parks, K.B.'s beloved daughter J.B. suffered an actual meltdown while in K.B.'s presence.

603. The symptoms and conditions associated with J.B.'s meltdown constitute a physical injury to J.B. under Florida law.

604. J.B.'s meltdown in the Parks was proximately caused by Disney's negligent, unlawful, reckless and arbitrary treatment of J.B. during her patronage of Disney's facilities. At all material times, Disney knew J.B. to be vulnerable to emotional injury if treated in such a manner by anyone.

605. K.B. directly observed the stressors leading up to the meltdown, J.B.'s resulting escalation and her meltdown. Particularly in light of

her trust and confidence that Disney would comply with applicable law and act in a gracious and caring manner toward her daughter, K.B. could do nothing reasonable to prevent the meltdown.

606. K.B.'s observation of J.B.'s meltdown and of the outrageous conduct and treatment which proximately caused J.B. to experience the meltdown caused K.B. grave and extreme mental anguish and emotional trauma, for which Disney should be held accountable.

WHEREFORE, Plaintiff K.B. prays that this Court adjudicate this dispute and enter an Order:

- Finding that Disney negligently inflicted emotional distress upon K.B.; and
- Finding such infliction to have caused damages to K.B.; and
- Entering judgment for Plaintiff K.B. in the amount of such damages; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiff and against Disney; and
- Awarding prejudgment interest; and
- Such other relief as this Court may find just and equitable.

COUNT 55

Intentional Infliction of Emotional Distress

K.B. v. Disney

607. Plaintiff K.B. incorporates and re-alleges the allegations of paragraphs 1 through 66, and 565 through 586 above.

608. During one or more visits to the Parks, K.B.'s beloved daughter J.B. suffered an actual meltdown.

1 609. The symptoms and conditions associated with J.B.'s meltdown
2 constitute a physical injury under Florida law.

3 610. J.B.'s meltdown in the Parks was proximately caused by Disney's
4 outrageous, unlawful and reckless treatment of J.B. during her
5 patronage of Disney's facilities. At all material times, Disney knew
6 J.B. to be vulnerable to emotional injury if treated in such a manner
7 by anyone.

8 611. K.B. directly observed the stressors leading up to the meltdown,
9 J.B.'s resulting escalation and her meltdown. Particularly in light of
10 her trust and confidence that Disney would comply with applicable
11 law and act in a gracious and caring manner toward her daughter,
12 K.B. could do nothing reasonable to prevent the meltdown.

13 612. K.B.'s observation of J.B.'s meltdown and of the outrageous conduct
14 and treatment which proximately caused J.B. to experience the
15 meltdown caused K.B. grave and extreme mental anguish and
16 emotional trauma, for which Disney should be held accountable.

17 **WHEREFORE**, Plaintiff K.B. prays that this Court adjudicate this
18 dispute and enter an Order:

- 19 • Finding that Disney intentionally inflicted emotional distress
20 upon K.B.; and
- 21 • Finding such infliction to have caused damages to K.B.; and
- 22 • Entering judgment for Plaintiff K.B. in the amount of such
23 damages; and
- 24 • Awarding reasonable litigation costs as may be determined by the
25 Court in favor of Plaintiff and against Disney; and
- 26 • Awarding prejudgment interest; and
- 27 • Such other relief as this Court may find just and equitable.

COUNT 56**Violation of the Americans with Disabilities Act****42 U.S.C. §§12131, *et seq.******S.H. v. Disney***

613. Plaintiff S.H. incorporates and re-alleges paragraphs 1 through 66, and 68 above.

614. S.H. has Angelman syndrome, a neuro-genetic disorder manifesting in severe intellectual and developmental disability. Though she is 17 years of age, her intellectual and social development appears akin to that of a toddler. She displays many traits common to persons with autism and other cognitive impairments. She is nonverbal, and is prone to extreme reactions to stimuli or events which strike her as arbitrary, unpredicted, inconsistent or inexplicable. In such situations she will scream as loudly as she can while flailing her arms wildly and while slamming herself into and against her adaptive stroller.

615. S.H. is a person with a disability, as that term is defined in 42 U.S.C. §12102(1).

616. S.H. is generally in the care of her mother, T.R., who brings this action as S.H.'s next friend, parent, and natural guardian.

617. S.H. and T.R. are residents of Butte County, California.

618. S.H. first visited one of the Parks, Disneyland, when she was five years old. The experience was a magical one, the most extraordinary experience which T.R. had ever seen for S.H. From that time, the family returned to Disneyland about annually, until 2008.

619. On each visit to the Parks, S.H. was admirably accommodated. T.R. became completely appreciative of the experience, and of Disney's caring treatment for her daughter, because their Disney visits were

1 the only occasions – including visits to other theme parks – on which
2 S.H. appeared to be able to experience the same joyful and
3 pleasurable experiences that other, non-disabled children could.

4 620. S.H.'s time in the Parks was so magical for S.H. that, in 2008, the
5 family purchased season passes for the first time, and began visiting
6 Disneyland much more frequently than annually. In addition to the
7 season passes for the five members of their family, T.R. also
8 purchased annual passes for an additional adult. Because T.R. and
9 her family lived an eight-hour drive from Disneyland, they
10 customarily made multi-day trips to the Parks. Along with the
11 annual passes, the cost of such vacations could become exorbitant.
12 T.R. could not imagine losing the magical experience for S.H., and
13 knew she needed to make arrangements to permanently afford
14 regular excursions to the Parks.

15 621. In 2008, in light of Disney's astonishing capacity for accommodation
16 toward S.H., T.R. acquired an interest in the Disney Vacation Club
17 Florida. T.R.'s confidence was unshakable that Disney's caring
18 accommodations would be just as magical at Walt Disney World as
19 they had always been at Disneyland.

20 622. The family continued to visit Disneyland, and, in about 2009,
21 purchased a further interest in Disney Vacation Club, this time
22 toward the Disneyland Resort. The family supplemented that
23 purchase by acquiring an additional interest in Disney Vacation Club
24 California in 2010. In total, T.R. has invested more than \$40,000.00
25 into the Disney Vacation Club, in exchange for Disney's promise to
26 provide caring and impeccable accommodations, for 50 years. T.R.
27 rested assured that she had been able to arrange to afford that magic
28

1 and accommodation for S.H., for 50 years, until well into S.H.'s
2 advanced years.

3 623. In June 2010, S.H. and T.R. and their family visited Walt Disney
4 World for the first time. They took two more vacations to Walt
5 Disney World, the first in December and January, 2012 to 2013, the
6 second in June 2013.

7 624. On each of the family's above-described visits, before Disney's
8 Disability Access Service was released in October, 2013, S.H. carried
9 the card associated with the Guest Assistance Card service, and she
10 was admirably accommodated. During those visits, S.H. exhibited a
11 nature and extent of joy that she rarely showed in any other setting.
12 T.R. was always proud and joyful of the opportunity to bring to her
13 beloved daughter a level of happiness which she rarely showed
14 elsewhere.

15 625. During those visits, T.R. was enamored by the way Disney employees
16 accommodated S.H., making her feel exceptional and accepted.
17 Disney had strong mechanisms in place to ensure S.H. and T.R. were
18 accommodated in an expedient manner. The Guest Assistance Card
19 made wait times manageable for S.H.

20 626. The Guest Assistance Card and program also allowed T.R. to predict
21 the accommodations which would be afforded to S.H. She could
22 confidently commit the family's resources to a planned vacation to
23 the Parks. For S.H. and T.R., before the DAS system, a large part of
24 the Magic was the accommodation itself. S.H. was always treated
25 with care and respect, and was not subjected to discrimination.

26 627. Before October 2013, a typical visit to the Parks for S.H. and T.R. was
27 a magical experience. Upon arriving at Guest Relations at Magic
28 Kingdom or Disneyland, S.H. received the Guest Assistance Card,

1 without an extended wait and without having her picture taken.
2 After entering the Parks, wait times were reasonable and S.H. was
3 never stigmatized. S.H. and T.R. traveled the parks at a pace
4 comfortable to S.H. A great benefit of the Guest Assistance Card was
5 that it prevented a problem which was unseemly but unfortunately
6 common in other parks or public places of entertainment. Quite
7 frequently, non-disabled guests in such venues will pick up their
8 pace or even run toward the entrance to an attraction simply to
9 avoid being behind S.H. in the queue. The family never had to
10 witness the spectacle in the Parks, because S.H. was permitted to
11 enter rides in the Fast Pass line or the wheelchair line, without
12 visiting the queues.

13 628. As is true of many persons with cognitive impairments, S.H. has little
14 concept of time, including past or future. S.H. is incapable of
15 understanding the idea of waiting for something, or delayed
16 gratification, two important requirements for surviving a Disney
17 queue.

18 629. S.H. is incapable of comprehending the experience of trekking to a
19 ride only to be told she cannot ride it. In that situation, S.H. will
20 experience an involuntary reaction similar to that known as a
21 meltdown in the autistic community.

22 630. Even though S.H. and T.R. have not visited the parks since the DAS
23 was implemented, T.R. knows the DAS requirement to travel to a
24 ride only to be turned back and told to come back later will be
25 intolerable for S.H., because of prior, proven experience within the
26 Parks.

27 631. In 2012, Disney opened a new attraction in Disney's California
28 Adventure known as Radiator Springs Racers. The ride opened to

1 typical wait times of many hours, an aspect of the ride which would
2 render the ride wholly inaccessible for persons with cognitive
3 impairments. For persons carrying the Guest Assistance Card,
4 Disney occasionally implemented a system similar to the Disability
5 Access Service. On these occasions, when a person carrying the GAC
6 approached the ride, he or she would be told that they would be
7 given an assigned time, written on their GAC, at which they could
8 come back and go on the ride.

9 632. When Disney subjected S.H. to this situation the first time, S.H. began
10 screaming and yelling as loud as she could, flailing wildly and
11 uncontrollably. The reaction was so uncontrollable that, on future
12 visits, the family took steps to avoid taking S.H. all the way to
13 Radiator Springs Racers without first confirming that S.H. would be
14 permitted to enter the attraction upon arrival.

15 633. Undoubtedly, Disney witnessed many disabled visitors who
16 exhibited, in response to DAS-like rejection at Radiator Springs
17 Racers, the same reaction as S.H. Even so, Disney instituted this
18 unaccommodating system through all the Parks.

19 634. At about the time Disney rolled out the DAS, T.R. started hearing and
20 learning about the experiences of other similarly-situated families.
21 Persons with developmental disorders were uniformly suffering
22 awful experiences in the Parks. Their families were making their
23 newfound disdain for the DAS widely known.

24 635. To gain more information and to cooperate with Disney's anticipated
25 efforts to accommodate S.H.'s special needs, T.R. called Disney to
26 discuss the issues. T.R. was given no new information about the
27 DAS, but was simply told the family would be expected to follow it.
28

1 If T.R. had any concerns about the adequacy of the DAS, she could
2 raise them upon entrance to the Parks.

3 636. The Disney representative with whom T.R. spoke offered one
4 explanation for Disney's abandonment of its prior policy of
5 accommodating persons with cognitive impairments. She said
6 Disney's accommodating GAC system had been "severely abused."
7 Until hearing news accounts of "abuse" at about the time Disney
8 rolled out the DAS, T.R. had never heard any stories or suggestions
9 that such "abuse" of Disney's accommodations was occurring.

10 637. S.H. and T.R. have not visited the Parks at Disneyland since February
11 2013, or the Parks at Walt Disney World since June 2013. At
12 present, T.R. knows they should avoid attending the Parks in the
13 future because the experience will be an un-accommodating one and
14 due especially to the risk that the experience will be destructive for
15 S.H.

16 638. Despite this deep parental fear, T.R. is conflicted because she knows
17 S.H. has adored Disney her entire life, and the adoration never
18 abated during the time Disney, through its Guest Assistance Card
19 system, actually accommodated persons with cognitive impairments.

20 639. T.R. is also conflicted because she invested more than \$40,000.00 in
21 the Disney Vacation Club, toward which she also continues to pay
22 annual dues. She made this investment and paid these dues with
23 absolute confidence that Disney would caringly accommodate S.H. as
24 Disney always had, and that Disney would continue to do so for 50
25 years.

26 640. T.R. and S.H.'s visits to the Parks have already tapered, and will
27 continue to do so in the absence of a meaningful restoration of
28

1 Disney's commitment to accommodate the special needs of persons
2 with developmental disorders.

3 **WHEREFORE**, Plaintiff S.H., by and through T.R. as his next friend,
4 parent and natural guardian, prays that this Court adjudicate this dispute
5 and enter an Order:

- 6 • Enjoining Defendant to cease the practices which are causing
7 discrimination against Plaintiff on account of S.H.'s disability; and
 - 8 • Enjoining Defendant to reasonably modify its policies, practices,
9 and procedures to afford Plaintiff with an opportunity to
10 experience Disney's goods, services, facilities, privileges,
11 advantages, and accommodations; and
 - 12 • Establishing Court-approved remedial measures that Disney must
13 implement, to prevent Disney from further discriminating against
14 Plaintiff when they visit the Disney Parks; and
 - 15 • Establishing Court-approved requirements for information
16 dissemination about Disney's remedial measures and modified
17 policies, to prevent Disney from further deterring Plaintiff from
18 visiting Disney Parks as a result of anticipated discrimination;
19 and
 - 20 • Establishing a monitoring program to ensure Disney's compliance
21 with the Court's Orders; and
 - 22 • Awarding reasonable attorney's fees as may be determined by the
23 Court in favor of Plaintiff and against Disney; and
 - 24 • Awarding reasonable litigation costs as may be determined by the
25 Court in favor of Plaintiff and against Disney; and
 - 26 • Such other relief as this Court may find just and equitable.
- 27
28

Count 57**Violation of the Unruh Civil Rights Act****California Civil Code §§51, 52*****S.H. v. Disney***

641. S.H. incorporates and re-alleges paragraphs 1 through 68, and 614 through 640 above.

642. S.H. is and at all material times has been a disabled person within the meaning of California Government Code 12926(j).

643. Section 51 of the California Civil Code, the Unruh Civil Rights Act, provides protection from discrimination by all business establishments in California, including housing and public accommodations, because of age, ancestry, color, disability, national origin, race, religion, sex and sexual orientation.

644. Section 52 of the California Civil Code provides that whoever denies, aids or incites a denial, or makes any discrimination or distinction contrary to Section 51 is liable for each and every offense.

645. Pursuant to California Civil Code Section 51(f), a violation of the ADA also constitutes a violation of California Civil Code Section 51, *et seq.*

646. The Parks are "business establishments" within the meaning of the California Code Section 51, *et seq.*

647. Through the acts and omissions described in this Complaint, Disney has violated California Civil Code Section 51 by denying Plaintiff S.H.'s access to Disney's programs, services and activities. Disney has instituted and continues to utilize policies which deny or which aid or incite the denial of Plaintiff's full and equal enjoyment of Disney's public accommodations in the same manner as non-disabled persons. Disney refuses to modify its policies and procedures to permit fair

1 enjoyment of its facilities by Plaintiff. As a direct and proximate result
2 of the afore-mentioned acts and omissions, Plaintiff has suffered, and
3 continues to suffer, hardship, humiliation and anxiety due to Disney's
4 failure to provide reasonable accommodations and access as are
5 required by Plaintiff's developmental disorders and cognitive
6 impairments.

7 648. Due to the continuous nature of Disney's ongoing discriminatory
8 conduct, declaratory and injunctive relief are appropriate. Moreover,
9 as a result of Defendant's action, Plaintiff is suffering irreparable harm,
10 and thus immediate relief is appropriate.

11 **WHEREFORE**, Plaintiffs S.H. prays that this Court adjudicate this dispute
12 and enter an Order:

- 13 • Enjoining Defendant to cease the practices which are causing
14 discrimination against Plaintiffs on account of S.H.'s disability;
15 and
- 16 • Enjoining Defendant to reasonably modify its policies, practices,
17 and procedures to afford Plaintiffs with an opportunity to
18 experience Disney's goods, services, facilities, privileges,
19 advantages, and accommodations; and
- 20 • Establishing Court-approved remedial measures that Disney must
21 implement, to prevent Disney from further discriminating against
22 Plaintiffs when they visit the Disney Parks; and
- 23 • Establishing Court-approved requirements for information
24 dissemination about Disney's remedial measures and modified
25 policies, to prevent Disney from further deterring Plaintiffs from
26 visiting Disney Parks as a result of anticipated discrimination;
27 and
- 28 • Establishing a monitoring program to ensure Disney's compliance

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with the Court's Orders; and

- Entering judgment for Plaintiff S.H. in the amount of his non-economic monetary damages; and
- Entering judgment in favor of Plaintiffs and against Disney for exemplary or punitive damages; and
- Awarding reasonable attorney's fees as may be determined by the Court in favor of Plaintiffs and against Disney; and
- Awarding reasonable litigation costs as may be determined by the Court in favor of Plaintiffs and against Disney; and
- Such other relief as this Court may find just and equitable.

Dated: April 3, 2014

/s/ Eugene Feldman

EUGENE FELDMAN

California Bar No. 118497

gfeldmanlaw@att.net

Eugene Feldman, Attorney at Law, APC

555 Pier Avenue, Suite 4

Hermosa Beach, CA 90254

Tel: (310) 372-4636

Fax: (310) 372-4639

ANDY DOGALI

Pro Hac Vice to be submitted

adogali@dogalilaw.com

Dogali Law Group, P.A.

101 E. Kennedy Blvd., Suite 1100

Tampa, Florida 33602

Tel: (813) 289-0700

Fax: (813) 289-9435

Attorneys for Plaintiffs